



# ADA Self-Evaluation and Transition Plan Update

Midpeninsula Regional Open Space District



Final Draft  
May 2019

Cover image credits (clockwise from left): John Green, Jack Gescheidt, Deane Little, and Deane Little

# **ADA Self-Evaluation and Transition Plan Update**

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FINAL DRAFT

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*Note:* Terms included in *Definitions* appear in **bold** the first time they appear in this document.



# Executive Summary

The Midpeninsula Regional Open Space District’s (the District or Midpen) existing *Access Plan for Persons with Disabilities* (1993) is being updated and replaced by means of this new, more current Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update (Plan), based on the requirements set forth in title II of the Americans with Disabilities Act.

Section 1 of this Plan provides an overview of the planning process (summarized in Figure 1) and the legislative mandate governing the process. Section 2 of this Plan includes definitions and acronyms used in the Plan.

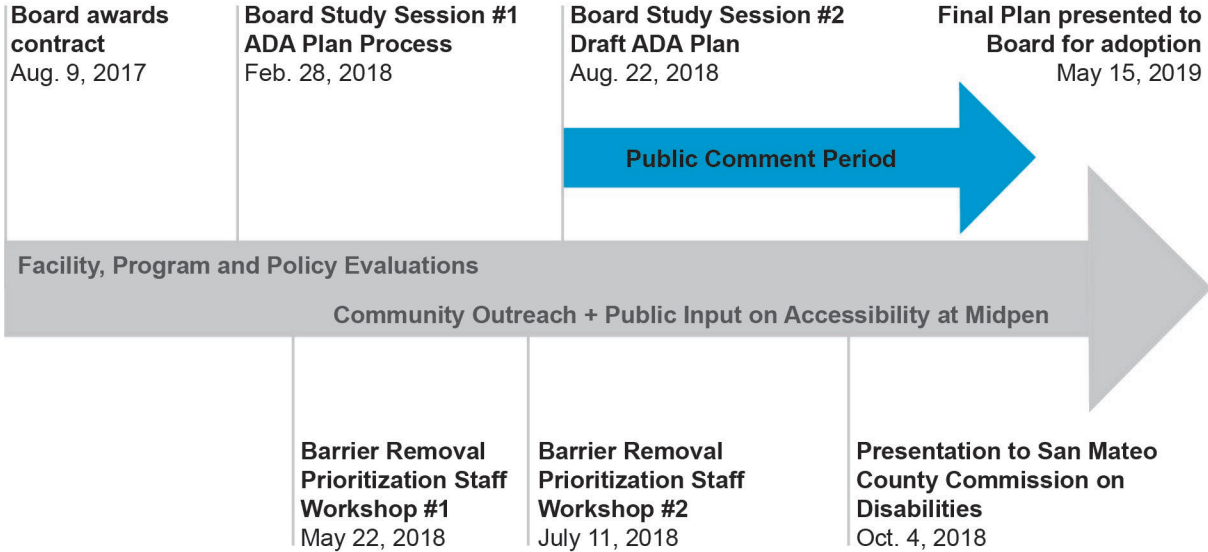


Figure 1. ADA Self-Evaluation and Transition Plan Update Timeline

## Accessibility Standards

In compliance with the ADA, the District has designated an **ADA Coordinator**<sup>1</sup>. The ADA Coordinator is responsible for coordinating the District’s efforts to comply with title II and for investigating any complaints that the District has violated title II of the ADA. The ADA Coordinator is also responsible for coordinating the District’s efforts to comply with all other applicable state and federal physical and **program accessibility** requirements.

The ADA states that a **public entity** must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This Plan will assist the District to identify policy, program, and physical barriers to accessibility and to develop barrier removal solutions that will facilitate the opportunity of programmatic access to all individuals.

<sup>1</sup> Terms included in the Definitions section appear in bold the first time they appear in this document.

At the time of the facilities evaluations, the 2010 ADA Standards for Accessible Design (2010 ADA Standards) and the 2016 California Access Compliance Advisory Reference Manual (CBC) were used to identify barriers at District facilities. As a recommended best practice, the 2015 Architectural Barriers Act (ABA) Standards for outdoor developed areas were used to identify barriers for elements not addressed in the technical standards of the ADA or CBC such as **trails**, outdoor recreation access routes, camping facilities, and other outdoor constructed features. Building codes and standards are revised every few years. The barrier evaluations conducted provide an assessment of current conditions as viewed by current code and provide a baseline for future barrier removal.

## **Programmatic Accessibility of District Programs, Activities, and Services**

Title II of the ADA emphasizes the programmatic accessibility of programs, activities, and services. This Plan addresses these issues by providing recommendations for action steps based on a comprehensive review of current practices, policies, plans, and guidelines, including an online questionnaire that was completed by District staff regarding the delivery of services to the public. This process included every department and program that provides services to the public.

As noted in Section 3 of this Plan, many staff members report making modifications to practices and procedures to assist people with disabilities in receiving the services provided by the District, including providing materials in alternate formats and holding meetings in **accessible** locations.

Information regarding the District's obligations and policies related to providing programmatically accessible programs, activities, and services is available online at <https://www.openspace.org/about-us/accessibility>. Links to the District's notice of non-discrimination based on **disability**, disability complaint procedures, how to request a disability-related modification, *Accessible Open Space* brochure, Easy Access Trails, **Service Animals on District Preserves Policy**, and **OPDMD Policy** are also posted on the Accessibility web page. A page on the District website, [www.openspace.org/ADAPlanUpdate](http://www.openspace.org/ADAPlanUpdate), includes updates on the ADA planning process, announcements for upcoming meetings, project timeline, an online comment card, and the District's 1993 *Access Plan for Persons with Disabilities*.

A review of the District's written policies, plans, guidelines, and programs (including selected construction details and specifications) was completed in 2018. Each review is listed with required or recommended actions for implementing specific improvements for providing programmatic access to District programs, services, and facilities.

## **Programmatic Accessibility of District Facilities**

When it is not feasible to provide programmatically accessible programs, activities, and services by relocating these activities to accessible facilities or providing **auxiliary aids and services**, the ADA requires the District complete a Transition Plan describing the physical modifications to facilities that will support accessible programs, activities, and services.



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The Transition Plan described in Section 4 of this Plan is the result of a detailed evaluation, using the most current accessibility standards, of all District facilities where programs, activities, and services are available to the public. The evaluation conducted in winter 2017-2018 included the following Midpeninsula Regional Open Space District Preserves:

- Bear Creek Redwoods
- Coal Creek
- El Corte de Madera Creek
- El Sereno
- Foothills
- Fremont Older
- La Honda Creek
- Long Ridge
- Los Trancos
- Monte Bello
- Picchetti Ranch
- Pulgas Ridge
- Purisima Creek Redwoods
- Rancho San Antonio
- Ravenswood
- Russian Ridge
- Saratoga Gap
- Sierra Azul
- Skyline Ridge
- St. Joseph's Hill
- Stevens Creek Shoreline Nature Area
- Teague Hill\*
- Thornewood
- Windy Hill

\*This preserve has a single trail section and contains no other public use facilities

During the site evaluations of District open space preserves and buildings, all portions of exterior and interior features of the sites and facilities used by the public were evaluated. The assessment identified physical barriers in each facility that limit accessibility and compared each facility to the 2010 ADA Standards, 2016 CBC, and the 2015 ABA Standards. The elements included in evaluations of open space preserves and buildings are as follows:

- Built-in Elements
- Camping Facilities
- Corridor and Aisles
- Curb Ramps
- Doors and Gates
- Drinking Fountains
- Hazards
- Other Features
- Outdoor Constructed Features
- Outdoor Recreation Access Routes
- Parking Areas
- Passenger Loading Zones
- Ramps
- Restrooms
- Room Elements
- Stairways
- Telephones
- View Areas
- Walks

The assessment of Easy Access Trails and other hiking and **multi-use trails** identified physical barriers at each trail that limit accessibility. Easy Access Trails were built to accommodate anyone desiring a less strenuous open space experience, including people who use **wheeled mobility devices** or walkers, and families with strollers. Most Easy Access Trails are at least 4

feet wide, have a **grade** generally not exceeding 5%, and a fairly uniform surface. Several proposed extensions to Easy Access Trails were evaluated to explore the feasibility of extending a more **accessible trail** experience to new locations. Other District hiking and multi-use trails to popular destinations were evaluated, although some were found to have grades up to 20% and uneven surfaces with rocks, ruts, and roots.

Trail facilities were evaluated during winter 2017-2018 against the design standards of the 2015 ABA Standards for outdoor developed areas for the following trail features.

- Trail Surface
- **Clear Tread Width**
- **Cross Slope**
- **Running Slope**
- Openings in Surface
- Overhanging and Protruding Objects
- Tread Obstacles
- **Paths of Travel**
- **Resting Intervals**
- **Trailhead Signs**

Many District trails have preserve wide maps and directional trail signs at trailheads and trail junctions. The District does not currently post trail information signs at trailheads. If detailed trail information signs are provided at a trailhead of a new or altered trail designed for use by hikers or pedestrians, the trail information sign should include the following information:

- length of trail or trail segment
- surface type
- typical and minimum tread width
- typical and maximum running slope
- typical and maximum cross slope

Barriers to accessibility are organized in a process referenced in the ADA title II regulations. The principle is to ensure that basic programmatic access to activities is provided, amenities are accessible, and alternatives to architectural modifications are allowed when appropriate. Translating these categories into action plans must be accomplished using a programmatic approach. The identified barriers are divided into four categories:

**Category 1:** identifies those barriers that affect accessibility at the entrance to a facility or a pedestrian route to the portion of the facility where program activities take place (for example, parking, walks, ramps, stairs, doors).

**Category 2:** identifies barriers that affect accessibility to program use areas (for example, trails, transaction counters, conference rooms, public offices, restrooms).

**Category 3:** identifies barriers that affect access to amenities serving program areas (for example, drinking fountains, telephones, site furnishings, vending machines).

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**Category 4:** identifies areas or features that may not be required to be modified for accessibility (for example, a pathway that does not connect to an accessible feature, an area where no public programs or activities occur, or the program or activity provided at this location is available in another appropriate location).

This categorization was applied to identified barrier at District open space preserves, buildings, and trails.

Facility reports are available through the District's ADA Coordinator. Each facility report lists potential barriers, provides information about the relevant state and federal codes, includes a planning-level cost estimate to remove the barrier, and indicates a barrier removal priority.

## Removal of Barriers to Accessibility at District Facilities

The Transition Plan is intended to provide a framework for the continuous improvement of District facilities for people with disabilities. This Plan is consistent with the District's *Policy and Plan for Relative Site Emphasis for Use, Development, and Publicity of District Sites*, which was adopted by the Board of Directors in 1982 and amended in 1988 and 1993. These policies for prioritizing improvements and development recognized that since it was "neither desirable nor feasible to emphasize each site highly, criteria have been developed to determine the relative emphasis for various sites." Offering opportunities to provide access for persons with disabilities was included among the site analysis criteria for the use, development, and publicity of District sites (Addendum 1.E -- Accessibility to Public).



*Figure 2. Trail User at David C. Daniels Nature Center  
Image Credit: John Green*

Barriers in District facilities will be removed systematically, based on established program priorities as outlined in the Transition Plan Schedule. It is the intent of the District to address and remove barriers to accessibility in public facilities based on the following non-rank-ordered criteria.

- **Geographic distribution:** Prioritize barrier removals that widely distribute the availability of accessible programs and facilities throughout the District, aiming for wide distribution throughout District wards, preserves, and subregions identified in the Vision Plan.
- **Unique experiences and environments:** Prioritize barrier removals that improve accessibility to unique programs or facilities.
- **Usage levels:** Prioritize barrier removals at facilities that receive high levels of visitor use and other sites of high public interest (including highly rated Vision Plan projects).
- **Public feedback and requests:** Prioritize barrier removals at facilities that have received prior accessibility complaints.
- **Project Readiness:** Cost, ease of implementation and general project readiness will be considered when prioritizing barrier removals. Prioritize barrier removals that leverage existing capital improvement or maintenance projects. The District is committed to making efficient, cost-effective use of the resources available for barrier removals.
- **Plan Consistency:** Prioritize barrier removals that are consistent with Measure AA, the Vision Plan, Strategic Plan and Coastside Protection Area Service Plan.
- **Safety:** Prioritize barrier removals that address safety for visitors with disabilities.
- **Primary Access:** Prioritize barrier removal at elements that provide entry to District preserves and their programs.

Additional considerations for scheduling barrier removals include the type of barrier removal and time frame guidelines, sensitive resource stewardship, and eligibility of the District facilities for safe harbor exceptions under the ADA. Further discussion of safe harbor is in Section 4.6 Barrier Removal Considerations for Plan Implementation.

Accessibility improvements in District preserves need to remain protective of sensitive resources and habitats and comply with the District's Resource Management Policies, CEQA, NEPA, the Endangered Species Act, the National Historic Preservation Act and other applicable federal, state and local regulations. Additionally, unique and extreme site constraints throughout District preserves may limit the barrier removal work identified in the facility reports. In planning for barrier removal projects, the District will evaluate site constraints with the conditions for exceptions described in the ABA Standards and document the decision-making process. Further discussion of conditions for exceptions is in Section 4.6 Barrier Removal Considerations for Plan Implementation.

Tables describing the target schedule for barrier removal in District facilities used by the public were developed under the direction of staff.

The information contained in the facility reports has been transferred to a Microsoft Excel barrier analysis spreadsheet, which is being integrated into the District's Work Order database to maintain and update barrier data. The database will be updated following the prioritization of

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barrier mitigations, and it will become the District's living Transition Plan document and on-going record of the removal of barriers to provide accessible programs, services, and activities.

Section 5 of this Plan includes additional information and resources to aid the District in meeting its obligations under the ADA.

Appendix A includes a copy of the staff program accessibility questionnaire. Midpen's ADA facility assessment reports are provided in Appendix B. A summary of public comment on the Plan and presentation materials for all public meetings related to the Plan are included in Appendix C.

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# 1. Introduction

## 1.1 The Midpeninsula Regional Open Space District's Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update

*The District's mission is to acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.*

Basic Policy of the Midpeninsula Regional Open Space District

Created in 1972, the Midpeninsula Regional Open Space District (the District or Midpen) is an independent special district that has preserved over 63,000 acres of public land and manages 26 open space preserves. The District's boundary extends from San Carlos to Los Gatos and to the Pacific Ocean from south of Pacifica to the Santa Cruz County line. Preserves include redwood, oak, and fir forests, chaparral-covered hillsides, riparian corridors, grasslands, and wetlands along the San Francisco Bay. Ranging from 55 to over 18,000 acres, 24 preserves are open to the public free of charge, 365 days a year. Visitors will find over 225 miles of trails, ranging from easy to challenging terrain.

The District is governed by a seven-member Board of Directors, each representing a geographic ward. Headed by the General Manager, the staff includes 140 regular positions and a dozen seasonal employees.

The purpose of this ADA Self-Evaluation and Transition Plan Update (Plan) is three-fold:

- to help the District meet its Outdoor Recreation and Healthy Living goals of improving and expanding access to open space lands for a wide variety of visitors of abilities, ages, ethnicities, and interests
- to assist the District in meeting requirements of title II of the ADA by identifying and evaluating all its policies, programs, activities, services, and physical barriers to accessibility at open space preserves and District offices
- to clarify what laws, standards, and ordinances may be applicable

## 1.2 Legislative Mandate

The ADA is a comprehensive civil rights law for persons with **disabilities** and provides protection against discrimination in both employment and the provision of goods and services. The ADA states that its 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 and to strive for equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.



The development of a Transition Plan is a requirement of the federal regulations implementing Section 504 of the Rehabilitation Act of 1973. The Act, which has become known as the *civil rights act* of persons with disabilities, states that “no **qualified individual with a disability** in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity receiving federal financial assistance.

Following the enactment of the Rehabilitation Act, Congress passed the ADA on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The U.S. Department of Justice's (DOJ) ADA title II regulations adopt the general prohibitions of discrimination established under Section 504 and incorporate specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of title V of the Rehabilitation Act.

The DOJ's revised regulations for titles II and III of the ADA were published in the *Federal Register* on September 15, 2010. These regulations adopted revised, enforceable accessibility standards known as the 2010 ADA Standards for Accessible Design (2010 ADA Standards). On March 15, 2012, compliance with the 2010 ADA Standards was required for new construction and alterations under titles II and III. The compliance date for using the 2010 ADA Standards for program accessibility and barrier removal is also March 15, 2012.

Under the requirements of the 1990 ADA and the 2010 ADA Standards, the District may not specifically, 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 offered to others or compel people to participate in separate or different activities based on disability
- in determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities
- deny access to people with disabilities who require the assistance of a service animal in any area of District facilities where the public is normally allowed to go

Further, title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices and procedures that govern administration of the entity's programs, activities, and services.

This Plan and certain documents incorporated by reference, establishes the Midpeninsula Regional Open Space District's ADA Self-Evaluation and Transition Plan Update.

## **Application of Regulations**

Midpeninsula Regional Open Space District is an independent special district in the San Francisco Bay Area. As a public entity, it is subject to the ADA's title II *Requirements for State and Local Government Programs and Services* and is responsible for the provision of

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accessible programs and facilities that are available without discrimination toward people with disabilities.

The fundamental tenet of title II of the ADA is *“the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.”*<sup>2</sup> This principle is referred to as *program accessibility*.

*A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility, applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.*<sup>3</sup>

As a public entity, the District is required to ensure program accessibility for the programs it provides to the public.

### **Maintaining Accessible Facilities**

In addition to providing program accessibility, the District is obligated to maintain all accessible facilities in working order. Exceptions are provided for temporary disruptions. The ADA contains the following language regarding the maintenance of accessible features:

*Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.*

*Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.*

*Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures.*<sup>4</sup>

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<sup>2</sup> ADA Title II Technical Assistance Manual II-3.3000

<sup>3</sup> Title 28, Chapter 1, § 35.149-35.150, II-5.1000 General

<sup>4</sup> ADA Title II Technical Assistance Manual 11-3.10000

The California Building Standards Code (CBC) contains the following language.

*A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and useable by persons with disabilities. Isolated or temporary interruptions in service or accessibility due to maintenance or repairs shall be permitted.<sup>5</sup>*

### **1.3 Discrimination and Accessibility**

This section provides an overview of physical and program accessibility and the basic methods of providing access. Absence of discrimination requires that both types of accessibility be provided.

Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility.

Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility includes physical accessibility, but also entails all the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information.

Programs offered by the District to the public must be accessible. Accessibility requirements apply to advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and services, transportation, policies, and communication. Program accessibility may be achieved by either structural or non-structural methods. The District may achieve program accessibility by several methods:

- structural methods such as altering an existing facility
- acquisition or redesign of equipment
- assignment of aids to beneficiaries
- provision of services at alternate accessible sites

When choosing a method of providing program access, the District is required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

### **1.4 ADA Self-Evaluation and Transition Plan Requirements and Process**

#### **Access Plan for Persons with Disabilities (1993)**

The Midpeninsula Regional Open Space District adopted its first ADA self-evaluation plan on January 27, 1993. The District's *Access Plan for Persons with Disabilities (Access Plan)* was

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<sup>5</sup> 2016 California Access Compliance Advisory Reference Manual, Division of State Architect, 11B-108

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informed by the 1991 Standards for Accessible Design and prepared in response to federal requirements for park and recreation agencies, which mandated an evaluation of facilities, programs, and services for accessibility and the identification of corrective measures where necessary. As part of the Access Plan, the District also amended its site emphasis criteria, which had been adopted in 1982 and amended in 1988, to include accessibility for persons with disabilities (*Policy and Plan for Relative Site Emphasis for Use, Development, and Publicity of District Sites*, Section E Accessibility to Public, 1993).

The Access Plan confirmed the District's active pursuit of "the provision of access to facilities for persons with physical limitations," including trail and site accessibility improvement projects, and its commitment to ensuring that new buildings or facilities meet current access standards. Although the *1991 ADA Accessibility Guidelines* did not provide specific **technical standards** for recreational trails and facilities, the District proactively developed trail access classifications and minimum requirements for each level of trail accessibility. The District also adopted measures to improve the accessibility of their docent and volunteer programs. Public participation was encouraged during the preparation of the Access Plan and included convening an ADA Steering Committee and contacting many individuals with disabilities and local organizations and service agencies to provide comment on the Access Plan.

### **ADA Self-Evaluation and Transition Plan Update (2019)**

The District has prepared this ADA Self-Evaluation and Transition Plan Update (Plan) in support of its Vision Plan and Equality, Diversity and Inclusion Policy goals and to address new federal and state technical standards, guidelines, and best practices for accessible design.

While the obligation for program accessibility (see Section 1.2 of this Plan) has remained the same since the District's 1993 Access Plan, the technical standards for design have evolved and expanded to include more information on outdoor recreation and recreation elements not addressed in earlier standards. This Plan is intended to supersede the 1993 Access Plan.

As detailed in Sections 1.6 and 1.7 of this Plan, current standards that apply directly to District's facilities include the 2010 ADA Standards and the 2016 CBC. Current best practices for accessible outdoor developed areas include the 2015 Architectural Barriers Act (ABA) Standards for outdoor developed areas (2015 ABA Standards), which are binding only to federal agencies. The ABA Standards provide the basis for the *California State Parks Accessibility Guidelines*. Neither set of standards is currently required of title II agencies but the Division of the State Architect does provide advisory language in the CBC referencing the *California State Parks Accessibility Guidelines* and the 2015 ABA Standards as best practices for outdoor occupancies.

Even in the absence of technical standards for specific elements, public agencies such as the District still have the obligation of program accessibility and should look to established guidelines and best practices to inform designing accessible elements not defined in the ADA Standards or the CBC.

This Plan is intended to provide a framework for the continuous improvement of District programs and facilities for people with disabilities based on current technical standards, guidelines, and best practices. The Plan is a living document that is regularly updated as programs and services change, as barriers are removed, and new facilities come under ownership or control of the District. Programs, activities, and services offered by the District to the public must be accessible to people with and without disabilities. Accessibility applies to all aspects of programs or services provided by the District, including:

- Customer Service
- Emergency Evacuation Procedures
- Notice Requirements
- Printed Information
- Programs and Facilities
- Public Meetings
- Public Telephones and Communication Devices
- Special Events and Private Events on Public Properties
- Televised and Audiovisual Public Information
- Tours, Trips, and Transportation Services
- Training and Staffing
- Use of Consultants and Contractors for Delivering Program Services
- Website

The ADA **Self-Evaluation** for program access identifies and makes recommendations to correct those policies and practices in the above-mentioned programs and services that are inconsistent with title II regulations and result in limitations to access for persons with disabilities. As part of the Self-Evaluation, the District:

- identifies District programs, activities, and services
- reviews the policies, practices, and procedures that govern the administration of District programs, activities, and services
- provides opportunity for public comment
- makes the report available to the public
- corrects any programs, activities, and services that are inconsistent with the regulations

The **Transition Plan** is a document that outlines a strategy for the District to progress toward compliance with the ADA. The Transition Plan identifies barriers for persons with disabilities and a schedule to remove those barriers over time. The Transition Plan must include:

- a list of the physical barriers in District facilities that limit the accessibility of programs, activities, or services to individuals with disabilities
- a detailed outline of feasible methods to remove these barriers and make the facilities accessible
- a schedule for taking the steps necessary to remove barriers to accessibility
- the opportunity for the public to provide comment on the Plan
- the name of the individual responsible for the Plan's implementation

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## 1.5 Self-Evaluation

In 2017, the District evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. Questionnaires were distributed and received from the following departments and programs:

- Finance and Administrative Services
  - Finance
  - Information Services and Technology
  - GIS Program
- Office of the General Counsel
- Office of the General Manager
- Public Affairs
- Project Planning and Delivery
  - Engineering and Construction
  - Planning
  - Real Property
- Visitor and Field Services
  - Land and Facilities Services
  - Visitor Services
  - Volunteer Program
  - Docent Program
  - Natural Resources

Findings for District programs, activities, and services can be found in Section 3.1 of this Plan. The program accessibility questionnaire is included in Appendix A of this Plan.

## 1.6 Transition Plan Update and Facility Assessments

In 2018, the District conducted a physical audit of facilities to locate barriers to access and to identify recommendations and alterations to meet state and federal accessibility standards as described below. During the preparation of this Plan, the District developed a barrier removal strategy based on level of effort and project type, such as maintenance, small capital improvement, and large capital improvement projects. Barrier removal projects will be included in the District's annual capital improvement process and coordinated with maintenance and construction teams. The District's Transition Plan Update can be found in Section 4 of this Plan.

The standards used for the facility evaluations are the 2010 ADA Standards and the 2016 CBC. Without meticulous record keeping, it's hard to date construction and alteration projects to determine qualifying **safe harbor** exclusions. Building codes are revised every few years. The barrier evaluations provide an assessment of current conditions as viewed by current code and provide a baseline for future barrier removal.

The 2015 ABA Standards, which provide technical guidance for outdoor recreation elements, were used to evaluate many of the features in the District's inventory of facilities that are not

covered by the provisions in the 2010 ADA Standards or the 2016 CBC. The 2015 ABA Standards are used to identify best practices for outdoor recreation elements for title II agencies like the District. At the time of publication of this Plan, the 2015 ABA Standards for outdoor developed areas had not been adopted into the 2010 ADA Standards or the CBC, the documents of technical standards that would mandate their use for the District.

## 1.7 Regulatory Framework

Legal standards and regulations ensuring the rights of persons with disabilities to actively participate in public life have been in ongoing development for more than a century. These regulations are developed and implemented at the federal, state, and local levels and range in form from civil rights acts to building codes with technical standards of construction. The technical standards have evolved from a complete focus on buildings and the public right-of-way to more recent expansions into outdoor recreation areas.

Regulations and technical standards often are first made applicable to agencies of the federal government and then later mandated for state and local governments and agencies as well as private entities. The State of California has been an early developer and adopter of accessibility guidelines, with state regulations that often exceed the minimums established by the federal regulations.

Below is a brief listing and description of the federal and state laws, final rules, and regulations that implement title II of the ADA and that were used to inform this Plan.

***Americans with Disabilities Act (ADA)***. A federal law passed in 1990, the ADA is a civil rights law that prohibits **discrimination on the basis of disability**. The ADA applies to many scopes of life, including employment, state and local governments and agencies, public accommodations and commercial facilities, telecommunications, and transportation. Technical standards for design and construction are addressed in the 2004 *ADA and ABA Accessibility Guidelines (ADAAG)*.

***ADA Standards for Accessible Design (ADA Standards)***. DOJ regulations providing technical standards for the built environment. These regulations are updated periodically, and the 2010 ADA Standards are current as of the time of this Plan's publication. The 2010 ADA Standards do not include provisions for outdoor developed areas.

***California Building Standards Code Title 24 (CBC)***. The CBC provides **scoping** and technical standards for the design and construction of the built environment in the State of California. The CBC is updated every three years, with the 2016 version current as of the time this Plan's publication.

The following are guidance documents used to inform this Plan for elements not addressed in the adopted technical standards. They are best practices but do not represent District obligations or requirements.

***Architectural Barriers Act (ABA)***. The first federal law addressing accessibility was passed in 1968. Although the ABA requirements apply only to facilities designed, built, altered, or leased



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with funds supplied by the U.S. government, it was intended to set an example for state and local governments and private industry. Current technical standards for design and construction are addressed in the 2015 *Architectural Barriers Act Standards* (see ABA Standards).

***Architectural Barriers Act (ABA) Standards (ABA Standards)***. The first accessibility guidelines issued under the ABA in 1982 initially applied to facilities designed, built, altered, or leased with federal funds. The 1991 ADA Accessibility Guidelines extended these enforceable standards to a wide range of facilities in the public and private sectors covered by the ADA. The 2013 and 2015 editions of the ABA Standards include new provisions for outdoor developed areas (see AGODA), which currently apply only to national parks and other outdoor areas developed by the federal government. The ABA Standards are the technical standards for federal agencies only and are not an obligation of the District. Conforming to the ABA Standards is not an obligation of the District but they provide guidance on elements in outdoor developed areas not addressed in the ADA Standards or CBC technical standards.

***ABA Accessibility Guidelines for Outdoor Developed Areas (AGODA)***. AGODA, which is based on the 1999 Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas, was originally issued in 2004. AGODA is the section of technical standards specific to outdoor developed areas adopted into the 2015 ABA Standards. These standards currently apply only to national parks and other outdoor areas directly developed by the federal government. In 2013 the Access Board published its final rule, *Final Guidelines for Outdoor Developed Areas*, which amended the ABA Standards and Accessibility Guidelines. The Board updated AGODA in 2014 with the publication of *A Summary of Accessibility Standards for Outdoor Developed Areas*. AGODA was fully adopted into the 2015 ABA Standards and adopted by reference into the *California State Parks Accessibility Guidelines*. Conforming to AGODA is not currently an obligation of the District but it provides guidance on elements in outdoor developed areas not addressed in the ADA Standards or CBC technical standards.

***California State Parks Accessibility Guidelines (State Parks Guidelines)***. These guidelines define California Department of Parks and Recreation policy and are a reference manual on technical standards for accessible design in the California State Parks System. The State Park Guidelines are updated periodically, and the 2015 version is current as of the time of publication of this Plan. State Parks Guidelines reference the standards contained in the 2013 AGODA, the 2013 CBC, the 2010 ADA Standards, and Section 508 of the 1973 Rehabilitation Act (amended 1998) and serve as a valuable resource for planners, designers, contractors, and maintenance staff for outdoor developed areas in the State of California.

### **Applicability of Technical Standards for Outdoor Developed Area Features**

The 2015 ABA Standards for outdoor developed areas have not yet been adopted by the DOJ as part of the ADA Standards for Accessible Design, which would make them applicable to the District's programs and facilities.

The California Division of the State Architect has provided scoping requirements within CBC Section 11B-246 for the development of accessible outdoor developed areas (camping facilities, beaches, day use areas, vista points, picnic areas, trails, and parking lots). The CBC does not

have technical standards for outdoor developed areas but provides an advisory that references the *California State Parks Accessibility Guidelines*, which have incorporated both the 2010 ADA Standards and the 2015 ABA Standards.

## **Undue Burden**

The District is not required to take any action that it can demonstrate would result in a **fundamental alteration** in the nature of its services, programs, or activities; would create a hazardous condition resulting in a direct threat to a program participant or others; or would represent an undue financial and administrative burden.

A determination of undue financial or administrative burden can only be made under specified circumstances and procedures and carries with it the obligation of “taking other actions that would ensure, to the maximum extent possible, that individuals with disabilities receive the benefits and services” of the program or activity.<sup>6</sup>

## **1.8 ADA Coordinator, Notice Requirements, and Grievance Procedure**

The administrative requirements of title II of the ADA include mandates to designate an ADA coordinator, give notice about the ADA’s requirements, and establish a grievance procedure. Any changes to that structure will be posted on the District website and communicated internally within the District and to the general public when there are public inquiries.

The following resources provide guidance on fulfilling these requirements.

### **ADA Coordinator Roles and Responsibilities**

The ADA Coordinator is responsible for organizing and communicating District efforts to comply with and fulfill its responsibilities under title II of the ADA. The ADA Coordinator’s responsibilities include investigating complaints that the District has engaged in any action prohibited by title II. Understanding the District’s organizational structure and the associated roles and responsibilities to maintain compliance with the ADA is a key factor behind a successful Plan. As the District’s Plan is implemented over time, the ADA Coordinator may be tasked with directly engaging the local disability community and documenting the continued monitoring of programmatic solutions and physical improvements required by law.

At the time of the preparation of this Plan, the District’s ADA Coordinator is the Assistant General Manager for Project Planning and Delivery. The incumbent currently holding this position is Susanna Chan. When the Assistant General Manager is not available, the Alternative ADA Coordinator is the Planning Manager. During the planning process for the ADA Self-Evaluation and Transition Plan, the District has evaluated options for increasing the percent of time dedicated to ADA Coordinator responsibilities. Changes to the position will be posted on the District website and communicated internally within the District and to the public upon

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<sup>6</sup> Title 28, Chapter 1, § 35.164 Duties

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request. At the time of the preparation of this Plan, the name, office address, and telephone number of the ADA Coordinator is provided to interested persons on the District's website and public notices.

### **ADA Notice Requirements**

The District must publicize its efforts to comply with the ADA and provide public notice of the ADA's provisions as they apply to District services, programs, and activities. At the time of the preparation of this Plan, the District publicizes its required *Notice Under the Americans with Disabilities Act* on its website <https://www.openspace.org/about-us/accessibility>. Additional information and recommendations about preparing and publicizing a policy of non-discrimination based on disability are discussed in the *Notice Requirements* section of this Plan.

### **ADA Grievance Procedure**

The District's grievance policy, which is intended to provide fair and prompt resolution of complaints under the administrative requirements of title II of the ADA, has been completed and procedures are being implemented. The disability complaint procedure includes:

- a description of how and where a complaint under title II may be filed with the District
- if a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative
- a description of the time frames and processes to be followed by the complainant and the District
- information on how to appeal an adverse decision
- a statement of how long complaint files will be retained

The District's grievance procedure under the ADA should be distributed to all department heads, posted in public spaces of public buildings and facilities and on the District's website, and updated when the grievance procedure and/or the contact information for the ADA Coordinator is changed. In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities. A sample grievance procedure can be found in the *Customer Service* section of this Plan and the District's grievance procedure can be found on the District website.

## **1.9 Public Outreach**

A public entity such as the District is required to accept comments from the public on its ADA Self-Evaluation and Transition Plan and is strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services.

## **Public Information Portal**

The District has created a page on its website, [www.openspace.org/ADAPlanUpdate](http://www.openspace.org/ADAPlanUpdate), that includes project updates, announcements for upcoming meetings, project timeline, an online comment card, and the 1993 *Access Plan for Persons with Disabilities*.

## **Public Meetings**

A Board Workshop open to the public was held on February 28, 2018 to introduce the project and receive questions and comments related to the ADA Plan.

The Draft Plan was presented to the public for comment at a second Board Workshop on August 22, 2018. The Draft Plan was also presented to the San Mateo County Commission on Disabilities on October 4, 2018. Presentation of the Final ADA Self-Evaluation and Transition Plan Update is anticipated for May 15, 2019.

## **Public Comment on the Plan**

The District collected comments during preparation of the ADA Self-Evaluation and Transition Plan to understand the public's perspectives on providing accessible facilities and programs at open space preserves and trails and providing program-level accessibility for District programs.

A summary of public comment received is included in Appendix C of this Plan.

Presentation materials for all public meetings related to the project are included in Appendix C of this Plan.

## 2. Definitions

For the purpose of this document, the terms defined in this section have the indicated meaning. The meaning of terms not specifically defined here or in regulations issued by the DOJ and the U.S. Department of Transportation to implement the ADA or in referenced standards shall be as defined by collegiate dictionaries in the sense that the context implies. The following terms appear in **bold** in their first use in this document.

**Accessible.** A site, building, facility or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant **Administrative Authority**.

**Accessible Route.** A continuous unobstructed path connecting accessible elements and spaces of an accessible site, building or facility that can be negotiated by a person with a disability using a wheelchair, and that is also safe for and usable by persons with other disabilities. Interior accessible routes may include corridors, hallways, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts.

**Administrative Authority.** A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

**ADA Coordinator.** The individual responsible for coordinating the efforts of the government entity to comply with title II and investigating any complaints that the entity has violated title II. Also known as *Disability Access Manager* or *Accessibility Manager*.

**ASCII.** A character encoding standard for electronic communication.

**Auxiliary Aids and Services.** Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity and context of the communication as well as the person's normal method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning and **TTYs** or the provision of alternate formats such as braille, ASCII text, large-print format, recorded audio and electronic formats like CDs and DVDs.

**Clear Ground Space.** The minimum unobstructed ground space required to accommodate a single, stationary wheeled mobility device and occupant. Clear ground space provides a location for a wheeled mobility device user to approach and make use of an element.

**Clear Tread Width or Trail Width.** The unobstructed trail surface measured perpendicular to the direction of travel.

**Disability.** The term disability means, with respect to an individual:

- a **physical or mental impairment** that **substantially limits** one or more of the major life activities of such individual
- **having a record of impairment**
- being **regarded as having a disability** or such impairment

**Discrimination on the Basis of Disability.** Discrimination on the basis of disability means to:

- limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability
- limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability
- participate in a contract that could subject a qualified citizen with a disability to discrimination
- use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability
- deny equal benefits because of a disability
- fail to make reasonable modifications to known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification would impose an undue burden on the District's operations
- use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public
- fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity

**Drain Dip.** A change or leveling of the running slope that will direct water flow to shed to the side of the trail. Drain dips in other District texts may also be referred to as reverse grade dips, rolling dips, nicks, or other road and trail erosion control features meant to shed water flow.

**Effective Communication.** Communication with people who have vision, hearing and/or speech disabilities that is equally effective as communication with people without disabilities.

**Fundamental Alteration.** A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

**Grade.** The degree of inclination of a surface. See **Slope**.

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**Having a Record of Impairment.** An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

**International Symbol of Accessibility (ISA).** The ISA is recognized worldwide as a symbol identifying accessible elements and spaces (Figure 3). Standards issued under the ADA and ABA reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities. Guidance on use of the ISA under the ADA and the ABA is available at <https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>.



Figure 3. ISA

**Multi-Use Trail.** a recreational amenity that serves a wide range of users — equestrians, bicyclists, walkers, joggers, in-line skaters, children in strollers, people using service animals or wheeled mobility devices (such as wheelchairs), hikers, and wildlife viewers.

**Other Power-Driven Mobility Device (OPDMD).** An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes (see District Policy 4.10).

**Passing Space.** A wide section of a trail that provides a turnout with sufficient area for overtaking other trail users.

**Path of Travel.** An identifiable accessible route within an existing site, building, or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term “path of travel” also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.

**Physical or Mental Impairments.** Physical or mental impairments may include, but are not limited to, vision, speech and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction, if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

**Practicable. Feasible,** capable of being put into practice or being accomplished within the context of the facility and within the limits of the applicable *ABA Conditions for Exception, 1019*.



**Primary Function.** A major activity for which a facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, or offices and other work areas in which the activities of the public entity using a facility are carried out.

**Program Accessibility.** A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

**Public Entity.** Any state or local government; any department, agency, special-purpose district or other instrumentality of a state or local government.

**Qualified Individual with a Disability.** A qualified individual with a disability means an individual with a disability who--with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services--meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

**Regarded as Having a Disability.** An individual is *disabled* if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

**Reasonable Modification.** A public entity must modify its policies, practice or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program or activity. An example of a reasonable modification is to permit the use of service animal by an individual with a disability at facilities that generally prohibit animals.

**Resource.** Plants, animals, water, soil, terrain, geologic formations, historic, scenic, and cultural features.

**Resource Impact.** Many of the District's facilities include sensitive habitats or landscape features that can limit what improvement work can be done. The District has a responsibility to preserve and protect the cultural and natural resources within its open space preserves. Resource impact can include any permanent or temporary degradation of habitat or features that support District resources including (but not limited to) removal or damage of native vegetation, sedimentation of waterways, harassment of sensitive wildlife species, or damage to cultural resources such as archaeological sites, tribal cultural resources, historic landscapes, buildings, and structures. Resource impact can also be defined by other federal, state, or local environmental policies or legislation such as the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), Native American Historic Resource Protection Act and the National Historic Preservation Act.

**Resting Interval.** Level areas that provide an opportunity for people to stop after a steep segment and recover before continuing on.

**Scoping.** Requirements that specify what features are required to be accessible and, where multiple features of the same type are provided, how many of the features are required to be accessible.

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**Service Animal.** Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheeled mobility device, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Additional guidance on service animals can be found in the resources section of the plan.

Title II regulations now include the following assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

1. the miniature horse is housebroken
2. the miniature horse is under the owner's control
3. the facility can accommodate the miniature horse's type, size and weight
4. the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility

**Slope.** Ground surface that forms a natural or artificial incline. Slope is typically conveyed as either a percentage or a ratio that represent the change in elevation between two points of an incline divided by the horizontal distance between the two points.

- **Cross Slope.** The slope that is perpendicular to the direction of travel.
- **Running Slope.** The slope that is parallel to the direction of travel.
- **Compound Slope.** A slope composed of two or more separate slopes with different grade angles.

**Substantial Limitations of Major Life Activities.** An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- the nature and severity of the impairment
- the duration or expected duration of the impairment
- the permanent or long-term impact (or expected impact) of or resulting from the impairment

**Technical Standards.** Requirements that establish the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

**Technically Infeasible.** With respect to an alteration of a building or a facility, an action that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements. Where technical infeasibility is encountered, compliance is still required to the maximum extent **technically feasible**.

**Telecommunications Display Device (TDD).** A telecommunications display device for the deaf (TDD) is an electronic device for text communication via a telephone line, used when one or more of the parties has hearing or speech difficulties. Other names for TDD include TTY.

**Telecommunications Relay Service (TRS) or 711.** The free, nationwide telecommunications relay service, reached by calling 711, uses communications assistants who serve as intermediaries between people who have hearing or speech disabilities who use a **text telephone (TTY)** or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

**Text Telephone (TTY).** Teletypewriters or text telephones have a keyboard and a visual display for exchanging written messages over the telephone. The ADA established a free, nationwide relay network to handle voice-to-TTY and TTY-to-voice calls, which is reached by calling 711. TTY is a more general term for teletypes, but is often referred to as TDD.

**Trail.** A trail is a route that is designed, designated, or constructed for recreational pedestrian use, including multi-use trails specifically designed for use by hikers or pedestrians. A trail is often considered its own destination. For the purposes of this Plan, a trail is defined as an unpaved recreational pathway in a sensitive resource area. Most of the District's 220 miles of designated trails are unpaved *wildland* trails in steep, rugged terrain. Approximately 65% of these trails are multi-use trails and are open to bicyclists, equestrians, and hikers. Many are narrow width trails, providing bicyclists with a more technical experience. District trails may have grades up to 25% and uneven surfaces with rocks, ruts, and roots.

The District designates its trail system by use and type as follows:

- **Hiking Only**
- **Hiking, Equestrian**
- **Hiking, Bicycling, Equestrian**
- **Easy Access Trail.** Several preserves have Easy Access Trails built to accommodate wheelchairs, strollers, walkers, and anyone desiring a less strenuous open space experience. Most of these Easy Access Trails are at least 4 feet wide, have a grade generally not exceeding 5%, and a fairly uniform surface.

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**Trail, Accessible.** The accessibility guidelines for outdoor developed areas developed by the federal government apply to all newly constructed and altered trails connected to accessible trails or designated trailheads. Technical requirements for accessible trails address the following trail features:

- Trail Surface
- Clear Tread Width
- Cross Slope
- Running Slope
- Openings in Surface
- Overhanging or Protruding Objects
- Tread Obstacles
- Paths of Travel
- Resting Intervals
- Trailhead Signs

**Trail Maintenance.** Routine or periodic repair of trails or trail segments and their associated facilities (such as bridges, signage, and erosion control features) to restore or improve upon the standards to which they were originally designed and built. Maintenance does not change the purpose, intent, or design of a trail.

**Trailhead Information Sign.** Distinguished from the preserve-wide maps and trail directional signs typically located at District trailheads, trail information signs, including a trail name sign, are located at the trailhead of a new or altered trail. These detailed trail information signs should include the following information (as shown in the example): length of trail or trail segment, surface type, typical and minimum tread width, typical and maximum running slope, and typical and maximum cross slope. A trailhead sign enables individuals with disabilities to decide whether to hike the trail regardless of whether the trail complies with the technical requirements for trails (see Figure 4). Trail information signs are a requirement of the ABA Standards but are not currently an obligation of the District.



Figure 4. Trail Sign

**Video Relay Service (VRS).** Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

**Wheeled Mobility Device.** A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. Also referred to as a manual wheelchair, a power wheelchair, an electric scooter, or an electric bicycle.

## List of Acronyms

ABA – Architectural Barriers Act

ADA – Americans with Disabilities Act

ADAAG – ADA and ABA Accessibility Guidelines

AGODA – Accessibility Guidelines: Outdoor Developed Areas

ASL – American Sign Language

CBC – California Building Standards Code, Title 24

CEQA – California Environmental Quality Act

CFR – Code of Federal Regulations

DOJ – Department of Justice

DSA – California Division of the State Architect

ISA – International Symbol of Accessibility

MROSD – Midpeninsula Regional Open Space District

NEPA – National Environmental Policy Act

OPDMD – Other Power-Driven Mobility Device

OSP – Open Space Preserve

PTSD – Post-Traumatic Stress Disorder

TDD – Telecommunications Display Device

TTY – Text Telephone

VRI – Video Remote Interpreting Services

VRS – Video Relay Service

# 3. Self-Evaluation of Policy and Program Accessibility

## 3.1 Staff Questionnaire

Programs, activities, and services offered by the District to the public must be accessible as required by law and by the Board's *Equality, Diversity and Inclusion Policy* (adopted March 2016), which states:

*The District is committed to supporting equality, diversity, and inclusion of all facets of society, the principles of which include fairness of treatment, recognition of rights, acceptance of responsibilities, commitment to equality, and dedication to expanding opportunities for all. Diversity is a core District value that will be practiced and communicated at all levels of the organization.*

Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and services, transportation, policies, and communication.

This section details the review of current District-wide policies, services, programs, and activities based on meetings with staff and responses to the program accessibility questionnaire (see Appendix A) from the following departments and programs:

- Finance and Administrative Services
  - Finance
  - Information Services and Technology
  - GIS Program
- Office of the General Counsel
- Office of the General Manager
- Public Affairs
- Project Planning and Delivery
  - Engineering and Construction
  - Planning
  - Real Property
- Visitor and Field Services
  - Land and Facilities Services
  - Visitor Services
  - Volunteer Program
  - Docent Program
  - Natural Resources

The findings and recommendations contained in this section will serve as a basis for the implementation of specific improvements for providing access to District programs as required by law.

### **Program Modifications**

The ADA Coordinator, or designee, will follow-up with each department to review the recommendations contained in this Self-Evaluation Report. In those situations where a policy, program, or procedure creates a barrier to accessibility that is unique to a department or a certain program, the ADA Coordinator, or designee, will coordinate with the program manager to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

### **Findings and Recommended Actions – District-Wide Programs, Activities, and Services**

This section is organized into categories based on the requirements of title II of the ADA.

- Customer Service
- Emergency Evacuation Procedures
- Notice Requirements
- Printed Information
- Programs and Facilities
- Public Meetings
- Public Telephones and Communication Devices
- Special Events and Private Events on Public Properties
- Televised and Audiovisual Public Information
- Tours, Trips, and Transportation Services
- Training and Staffing
- Use of Consultants and Contractors for Delivering Program Services
- Website

Actions are listed as required or recommended based on the ADA. Some actions are always required, while other actions are only required when requested. In many cases, the District has many alternatives in selecting methods for providing accessible programs, activities, and services. During the 2016-2017 Fiscal Year, for example, the Board held five Diversity Ad Hoc Committee meetings to identify ways to implement the District's *Equality, Diversity and Inclusion Policy* and communicate these strategies to department staff.

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Additional strategies for compliance can be found in the *ADA Best Practices Toolkit for State and Local Governments*.<sup>7</sup> Links to specific sections of the toolkit are provided throughout this section.

### ***Customer Service***

To meet ADA standards for in-person interactions, staff should be aware of the formal procedures for accommodating people with disabilities, including appropriate responses to requests for program modifications and guidelines for accommodating service animals.<sup>8</sup>

Although many people with disabilities can participate in District programs such as public meetings without any modifications, there may be factors that prevent others from fully participating. When needed and requested, the District is responsible for providing readers for individuals with visual impairments, interpreters or other alternative communication measures for individuals with hearing impairments; personal assistance for individuals with manual impairments; equipment that is usable by individuals with disabilities (particularly individuals with hearing, visual, and manual impairments); and maintenance policies to ensure that this equipment is in operable working order.

Reasonable modifications to programs can include:

- ***Accessible and Adaptive Equipment***

Adaptive equipment includes devices, controls, appliances, or items that make it possible for persons with disabilities to improve their ability to function independently and participate in programs, services, and activities offered by the District. Equal access to programs and services can range from allowing the use of an OPDMD by a person with mobility disabilities or providing a pen and clip board to a person who is deaf or has hearing loss or a speech disorder to use for communicating with staff.

- ***Program Modifications***

The public must be able to access District programs, services, and activities, regardless of disability, unless a modification would result in a fundamental alteration to the nature of a service, program, or activity or impose undue financial and administrative burdens.<sup>9</sup> Admission criteria, ability to complete forms, and participation in interviews should be available to all members of the public by providing reasonable modifications.

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<sup>7</sup> For the full toolkit, visit <https://www.ada.gov/pcatoolkit/toolkitmain.htm>. “The Tool Kit should be considered a helpful supplement to – not a replacement for – the regulations and technical assistance materials that provide more extensive discussions of ADA requirements. It also does not replace the professional advice or guidance that an architect or attorney knowledgeable in ADA requirements can provide.”

<sup>8</sup> Only dogs are recognized as service animals under title II of the ADA. In limited cases, miniature horses that are individually trained to perform tasks for people with disabilities may also qualify to provide services. Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA.

<sup>9</sup> Title 28, Chapter 1, § 35.164 Duties.



- **Staff Assistance**

District staff who have contact with the public—in-person, by phone, or via email—often play a vital role in making it possible for people with disabilities to access programs and services. The ADA requires public entities to make reasonable modifications to their usual ways of conducting business when requested. Many requested program modifications involve making minor adjustments in procedures or providing some extra assistance to a person with a disability.

- **Service Animals**

The District is responsible for modifying policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

The District's grievance procedure under the ADA should be distributed to all department heads, posted in public spaces of public buildings and facilities and on the District's website, and updated when the grievance procedure and/or the contact information for the ADA Coordinator is changed. In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities.

### **Self-Evaluation Findings:**

The majority of respondents reported that they had experience, on a case-by-case basis, with making changes to standard operating procedures to include a person with a disability, such as removing physical barriers to accessibility or providing Assistive Listening Devices and large format printed material upon request. Although most respondents (16 of 26) reported that they were unaware of a formal procedure for evaluating and implementing requests for changes, one department reported that all staff are empowered to make changes as needed and that supervisors and managers are expected to follow up to see that change happens. Several respondents mentioned the role of the District's ADA Coordinator in facilitating and responding to requests, the Board of Director's *Equality, Diversity and Inclusion Policy*, and the District's notice of *Modifications to Policies and Procedures*, which is posted on its website (<https://www.openspace.org/about-us/accessibility>):

Midpen will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Midpen preserves, even where pets are generally prohibited. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Midpen should contact the ADA Coordinator at [adacoordinator@openspace.org](mailto:adacoordinator@openspace.org) or 650-691-1200 as soon as possible but no later than 48 hours before the scheduled event.

Many respondents (9 of 26) were aware that the District's ADA Coordinator is responsible for tracking accessibility requests. The ADA Coordinator reported receiving six ADA-related inquiries via email or phone since 2014, including requests related to the use of electric bicycles

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(e-bikes) on trails, the height of hand dryers in restrooms at Rancho San Antonio County Park, and the District's policy on service animals. No departments reported that they charge additional fees to modify programs.

No departments have policies that would discriminate against a service animal, and several respondents mentioned the District's policy regarding both dogs in general ([https://www.openspace.org/sites/default/files/Dog\\_Access\\_Guidelines.pdf](https://www.openspace.org/sites/default/files/Dog_Access_Guidelines.pdf)) and service animals (<https://www.openspace.org/what-to-do/activities/dogs>) as follows:

In accordance with the ADA, Midpen accommodates service dogs in preserves wherever we allow public access.

Four of the 26 respondents, from three departments, reported that they consult or work with outside organizations that assist people with disabilities, such as Abilities United, Catholic Charities, and the Morgan Autism Center, on capital improvement and retrofit projects.

#### **Required or Recommended Actions:**

1. It is required that the District continue the policy of not charging an additional fee to the person requesting program modifications for their disability.<sup>10</sup>
2. It is required that the District continue the policy of not excluding service animals in District facilities.<sup>11</sup> An exception may be considered where the presence of an animal may have a detrimental impact on sensitive resources, the animal behaves in a way that poses a direct threat to the health or safety of others, or the animal is not under the control of the handler.<sup>12</sup>
3. It is required that the District not exclude the use of wheeled mobility devices or OPDMDs in District facilities.<sup>13</sup> An exception may be made where the use of power-driven equipment may have a detrimental impact on public safety or sensitive resources.
4. It is required that the District continue to make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.<sup>14</sup>
5. It is required that the District consider all the resources available for responding to requests for modifications before determining that a request would represent an undue financial or administrative burden.<sup>15</sup> The decision that an action would result in an undue burden must be made by a high-level District official who has budgetary authority and responsibility for making spending decisions. The decision must be accompanied by a

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<sup>10</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>11</sup> Title 28, Chapter 1, § 35.136 Service animals.

<sup>12</sup> DOJ. 2015. Frequently Asked Questions about Service Animals and the ADA. [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)

<sup>13</sup> See the District's *OPDMD Policy* at [https://www.openspace.org/sites/default/files/Policy\\_4.10\\_Other\\_Power-Driven\\_Mobility\\_Devices.pdf](https://www.openspace.org/sites/default/files/Policy_4.10_Other_Power-Driven_Mobility_Devices.pdf)

<sup>14</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>15</sup> Title 28, Chapter 1, § 35.164 Duties

written statement of the reasons for reaching this conclusion and steps that does not represent an undue burden but will ensure that the individual with a disability can participate in a District program or activity.

6. It is recommended that the District develop a process and procedures for determining reasonable modifications to provide program accessibility upon request by a person with a disability. As described above, modifications may include acquisition or redesign of equipment, provision of auxiliary aids to persons with disabilities, and the provision of services at alternative accessible sites.

An interactive process for receiving, evaluating, and responding to requests for modification should address the following.

- a. **Receiving requests**

The public should have easy access to information about how to make a request for modifications and who to contact. The District can provide this information on meeting notices and publicize it on their website. The District has the option of accepting requests for modifications directly by the division responsible for the program or service or by asking that all requests be directed to the ADA Coordinator. All staff should be able to direct a person making a request to the appropriate staff member. Requests should be accepted from someone on behalf of the person with a disability and should not be required to be in writing.

- b. **Responding to an easily accommodated request**

If a requested modification is easily accommodated, the District may empower staff to fulfill the request on the spot. An example of this type of request is to allow a blind person to present another form of required identification rather than a driver's license or to provide assistive listening devices at public meetings for people with hearing loss.

- c. **Responding to more complicated requests**

Some requests for modifications may require more information or planning to find a solution that provides access and protects public safety and agency resources. The District has established a minimum notice period of 48 hours (and, in some cases, up to 5 days) for responding to and accommodating requests. For example, a member of the public with a disability may request a modification to participate in a project site visit to a District facility in a remote or difficult-to-access location that is in a protected environment. The department organizing this activity could first meet with the individual with a disability to identify which aspects of the program limit participation and what modifications could be made, and then consult with the relevant program or service staff to determine a reasonable modification. The program manager could also consult with the ADA Coordinator or an outside resource agency that provides services or information regarding persons with disabilities to help find an acceptable solution.

- d. **Publicizing the grievance procedure**

If individuals with a disability are not satisfied with the results of this process, they should be directed to the District's grievance procedure.

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e. **Tracking requests**

The District tracks the outcomes of all accessibility requests. The ADA Coordinator could analyze the program modifications the District offers to look for global issues that can be addressed, to evaluate the success of program modifications, and to identify problems that can be solved proactively to improve customer service. For example, information about alternative accessible sites would be made available to the public on the District website and in District brochures.

7. It is recommended that the District adopt the use of the term *service animal* in all policies and public notices.<sup>16</sup>
8. It is recommended that the District:
  - a. Assess the composition and needs of the population of people with disabilities who currently use District facilities or participate in District programs and activities.
  - b. Take the necessary steps to improve communication and outreach to increase the effective participation of South Bay, Peninsula and Coastal community members with disabilities in all District programs and activities, as well as for guidance on planning, programs, and possible modifications.
  - c. Continue to establish and maintain partnerships with organizations that provide services to people with disabilities to assist in publicizing accessible District programs. Keep programs up-to-date through increased community involvement and partnerships with organizations that offer services to persons with disabilities.
  - d. Publicize efforts to increase participation by persons with disabilities, which might include activities such as distributing program brochures to members of the disability community.

***Emergency Evacuation Procedures for People with Access and Functional Needs***

Life safety protocols and procedures for District buildings and open space preserves are required to include plans for people with disabilities and effective emergency management practices. Issues that have the greatest impact on people with disabilities include:

- notification
- evacuation
- emergency transportation
- access to medications, refrigeration, and back-up power
- access to their mobility devices or service animals while in transit
- access to information

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<sup>16</sup> ADA Requirements: Service Animals. 2010. [https://www.ada.gov/service\\_animals\\_2010.pdf](https://www.ada.gov/service_animals_2010.pdf)

In planning for emergency services, the District should consider the needs of visitors with access and functional needs, such as those who use service animals or mobility aids (including wheeled mobility devices, walkers, canes, crutches, or OPDMDs), or those with limited stamina. Plans also need to include visitors who use oxygen or respirators, those who are blind or have low vision, people who are deaf or have hearing loss, people who have a cognitive disability, people with mental illness, and those with other types of disabilities. The District is responsible for ensuring that staff are aware of effective emergency management procedures for people with disabilities and are trained to implement them during an emergency.<sup>17</sup>

### **Self-Evaluation Findings:**

Only two respondents reported that individuals with disabilities are notified of emergency and evacuation procedures. Information regarding trail or preserve closings is posted on the District's website and other social media.

### **Required or Recommended Actions:**

1. It is required that when the District develops guidelines and plans for emergency operations or evacuations at District facilities, these include strategies to ensure that people with disabilities can evacuate a physical area in a variety of conditions and with or without assistance in various types of emergency situations.<sup>18</sup> These plans should:
  - a. Address what to do when an alarm or an alert system and/or communication from the Office of Emergency Services is triggered;
  - b. Establish meeting places for assistance, evacuation chairs, and evacuation with accessible vehicles; and
  - c. Provide direction on what to do if assistance is not available.
2. It is required that when the District develops guidelines and plans for emergency evacuations, staff members receive training to safely evacuate persons with disabilities in various types of emergency situations.<sup>19</sup>
3. It is recommended to test the District's emergency plan by enlisting people with different disabilities to role-play during emergency simulations.
4. It is recommended to test the District's emergency evacuation procedures with periodic drills, both announced and unannounced.
5. It is recommended that the District:
  - a. Review existing emergency procedures to ensure that persons with disabilities can be alerted and that they can alert emergency service providers.
  - b. Work with disability organizations to explore the use of other technologies such as audible exit signs for orientation, and direction and vibrating paging systems.

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<sup>17</sup> See <https://www.ada.gov/pccatoolkit/chap7emergencymgmt.htm>.

<sup>18</sup> 42 U.S.C. § 12132; see generally, Title 28, Chapter 1, § 35.130, § 35.149.

<sup>19</sup> 42 U.S.C. § 12132; see generally, Title 28, Chapter 1, § 35.130, § 35.149.

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- c. Provide training for the District's emergency team to enable them to communicate in basic ASL if there is an emergency condition and the area is being evacuated.
  - d. Take the appropriate steps to ensure that the District's emergency team is aware of staff who may require special assistance in the event of an emergency. The District may ask all employees if they would request or require special assistance during an emergency and what type of assistance they would prefer receiving.

Specific suggestions for evacuation plans and procedures people with access and functional needs can be found through the U.S. Access Board website at <http://www.ada.gov/emergencyprepguide.htm>, the *Emergency Procedures for Employees with Disabilities in Office Occupancies* document published by FEMA and the U.S. Fire Administration, and other guidance documents and organizations included in the *Resources* section of this Plan .

### ***Notice Requirements***

Title II regulations require the District to inform the public of the rights and protections provided by the ADA for access to public programs, services, and activities. It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice is not a one-time requirement. Public agencies should provide the information on an ongoing basis and update the information whenever necessary.<sup>20</sup>

### **Self-Evaluation Findings:**

Respondents from all 10 departments reported that they are aware the District has a non-discrimination statement including people with disabilities, which is posted on the District's website (<https://www.openspace.org/about-us/accessibility>) but not at any District facilities. Links to the District's *Accessible Open Space* brochure and *OPDMD Policy* are posted on the Accessibility web page. The majority of respondents were unaware of the District's procedure for filing a discrimination complaint.

### **Required or Recommended Actions:**

1. It is required that the District continue to maintain the position of the ADA Coordinator.<sup>21</sup>
2. It is required that the District continue to publish the following or similar notice regarding the District's commitment to providing accessible services and resolving accessibility-related complaints through its grievance procedure:<sup>22</sup>

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<sup>20</sup> See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

<sup>21</sup> See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>; Title 28, Chapter 1, § 35.107 Designation of responsible employee and adoption of grievance procedures.

<sup>22</sup> Title 28, Chapter 1, § 35.106 Notice.

**Policy on Nondiscrimination on the Basis of Disability**

Based on the Model Notice Provided by the Department of Justice:<sup>23</sup>

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (ADA), the Midpeninsula Regional Open Space District (Midpen) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** Midpen does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** Midpen will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Midpen’s programs, services, and activities, including qualified sign language interpreters, documents in braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** Midpen will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities. For example, individuals with service animals are welcomed in Midpen preserves, even where pets are generally prohibited

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Midpen should contact the ADA Coordinator at [adacoordinator@openspace.org](mailto:adacoordinator@openspace.org) or 650-691-1200 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Midpen to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Midpen is not accessible to persons with disabilities should be directed to the ADA Coordinator at [adacoordinator@openspace.org](mailto:adacoordinator@openspace.org) or 650-691-1200.

Midpen will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids and services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheeled mobility devices.

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<sup>23</sup> The model notice and more details can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

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3. It is required that the District continue to ensure that interested persons can obtain information regarding the existence and location of accessible services, activities, and facilities, such as the following statement on *Accessible Open Space* on the District website.<sup>24</sup>

#### **Accessible Open Space**

For information about our more accessible trails, visit our Accessible Open Space page. Or download our Accessible Open Space brochure.

Midpen is committed to providing access to its preserves and facilities for people with disabilities. Visitors with mobility disabilities may use a wheeled mobility device anyplace visitors are allowed. Midpen also allows, per the ADA, the use of **Other Power-Driven Mobility Devices** (OPDMDs) for persons with mobility disabilities. Please see our *OPDMD Policy* for standards and areas of authorized use.

In accordance with the ADA, Midpen accommodates service animals in preserves wherever we allow public access.

4. It is required that the District present public notice so that it is accessible to all and available in alternative formats such as:
- a. audiotape or other recordings
  - b. radio announcements
  - c. large-print notice
  - d. braille notice
  - e. use of a qualified sign language interpreter at meetings
  - f. open or closed-captioned public service announcements on television
  - g. ASCII, HTML, or word processing format on a computer diskette or CD
  - h. HTML format on an accessible website
  - i. advertisements in publications with large-print versions
5. It is recommended that the District consider the most effective ways to reach its target audience with public notice of its commitment to providing accessible services. This audience is expansive and includes everyone who interacts – or would potentially interact – with the District. The District could provide notice to interested persons by:
- a. including the notice with job applications
  - b. publishing the notice periodically in local newspapers
  - c. broadcasting the notice in public service announcements on local radio and television stations
  - d. publishing the notice on the District's website

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<sup>24</sup> Title 28, Chapter 1, § 35.163 Information and signage.



- e. posting the notice at all District buildings
  - f. including the notice in program handbooks
  - g. announcing the notice at meetings of programs, services, and activities
  - h. publishing the notice as a legal notice in local newspapers<sup>25</sup>
6. It is recommended that the District continue to use radio, newspaper, television, or mailings to publicize the notice.
  7. It is recommended that the District make all staff aware of the public locations of the nondiscrimination statement and the procedure for filing a disability discrimination complaint.
  8. It is recommended that the District provide different forms of contact information such as email addresses, a text telephone (TTY) number, and/or **Telecommunications Relay Service (711)** information.<sup>26</sup> As discussed in the *Public Telephones and Communication Devices* section of this Plan, having use of a TTY or equally effective communications systems, such as 711, for communications with a person who is deaf or who has hearing loss is currently required by regulation.
  9. It is recommended that the District include an abbreviated non-discrimination notice (in hard copy and web publications) that provides general information about District services, programs, or activities, similar to the following:

The District does not discriminate on the basis of disability in the admissions or access to its programs or activities. An ADA Coordinator has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Justice regulations implementing Subtitle A of title II of the Americans with Disabilities Act (42 U.S.C. 12131-12134), which prohibits discrimination on the basis on disability by public agencies.

Susanna Chan, Assistant General Manager, ADA Coordinator  
330 Distel Circle, Los Altos, CA 94022-1404  
650-691-1200  
adacoordinator@openspace.org

### ***Printed Information***

To meet the ADA's communication standards, the District must be able to provide information, when requested, in easy-to-understand language and alternative formats such as braille, large-print format, audiotape or CD, computer disk, or other formats as requested.<sup>27</sup>

### **Self-Evaluation Findings:**

Eighteen of 26 respondents reported that the District produces printed materials made available to the public, such as meeting materials, board reports and memorandums, graphics, maps,

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<sup>25</sup> Details about public notice requirements can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

<sup>26</sup> DOJ, Civil Rights Division, Disability Rights Section. *ADA Requirements: Effective Communication*. 2014. <https://www.ada.gov/effective-comm.htm>.

<sup>27</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

brochures, and PowerPoint presentations. Printed materials are produced by departments and central management. Three respondents reported that documents and publications are made available to people with visual disabilities through electronic copy or large-print format. The ADA



Figure 5. Easy Access Packet

Coordinator reported that the District does not currently have an established procedure for providing printed materials in alternate formats. District-wide printed materials are developed for individuals with at least a 5th grade reading level and signage at preserves is written clearly and concisely, but not necessarily adapted for individuals with learning disabilities. Eight of 17 respondents reported that images of people with disabilities are included in printed materials that include images of people.

The District provides printed materials, such as open space preserve brochures and maps, at its Administrative Offices at 330 Distel Circle in Los Altos, at trailheads, and at the Daniels Nature Center. **Easy Access Trails** are featured in an *Easy Access Packet* (see Figure 5), which is a complete guide for visitors who use wheeled mobility devices, strollers, walkers, or who desire a less-strenuous open space experience.

#### Required or Recommended Actions:

1. It is required that the District provide alternative formats to printed information, when requested (for example, large-print format for persons with visual disabilities or in simple language for persons with cognitive disabilities).<sup>28</sup>
2. It is required that the District address all requests for other alternative formats for lengthy documents on an individual basis.<sup>29</sup>
3. It is required that any additional costs for alternative forms of communication are not assigned to the person with a disability requesting the alternative format.<sup>30</sup>
4. It is required to provide programmatic changes (for example, staff assistance), upon request to assist in filling out forms or when alternative formats are unavailable or infeasible.<sup>31</sup>
5. It is recommended to include the following notice on materials printed by the District that are made available to the public:

<sup>28</sup> Title 28, Chapter 1, § 35.160 General.

<sup>29</sup> Title 28, Chapter 1, § 35.160 General.

<sup>30</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>31</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

This publication can be made available in alternative formats. Requests can be made by contacting the ADA Coordinator, or designee at 650-691-1200 or [adacoordinator@openspace.org](mailto:adacoordinator@openspace.org) or by using the 711 Telecommunications Relay Service. Please allow five days for your request to be processed.

6. It is recommended that the District provide instruction to each department on how to produce printed information in alternative formats for persons with various disabilities to ensure that requests are handled in a uniform and consistent manner. Developing and implementing standard District templates for documents that are formatted for accessibility with document structure and text styles can assist in consistency of accessible materials and agency branding. Additional information for developing accessible printed materials can be found in the *Resources* section of this Plan.
7. It is recommended that the District produce documents and publications in a manner that uses easy-to-understand language, where possible.
8. It is recommended that the District continue to include images of persons with disabilities when images of people in general are part of a brochure or publication.

### ***Programs and Facilities***

The public must be able to access programs, services, and activities, regardless of disability, unless a modification would result in a fundamental alteration to the nature of a service, program, or activity, or impose undue financial and administrative burdens.<sup>32</sup> Admission criteria, ability to complete forms, and participation in interviews should be available to all members of the public by providing reasonable modifications. The identification of structural barriers in facilities such as buildings, parks, and trails is a required element of accessibility.

### **Self-Evaluation Findings:**

Respondents from two divisions reported that volunteer and docent opportunities available to the public would require an individual to meet specific physical fitness standards, performance requirements, and safety standards. However, the volunteer application for one program allows applicants to self-select activities according to their ability, as follows:

#### **Release of Liability Volunteer Waiver**

While we do nothing to limit your opportunities, you must select your activities responsibly and only assume tasks for which you are physically fit.

Some docents have requested flexibility in meeting these requirements and their requests have been accommodated on a case-by-case basis. Three departments reported that there are no eligibility requirements for their public programs, and most respondents reported that there are no limitations or ratios for the number of people with disabilities who may participate in any department programs. One department requires volunteers to complete forms (such as Child

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<sup>32</sup> Title 28, Chapter 1, § 35.164 Duties.

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Abuse Prevention and fingerprinting) and attend an interview; but only one respondent reported that forms contain a notice that the District does not discriminate against people with disabilities.

In addition to all District preserves and trails, public access is provided at District administrative offices for all but one department, including the front desk or reception area, entrance hallways, and the lobby; public restrooms; the kitchen; and conference rooms, meeting rooms and the board room for presentations, committee meetings, and trainings sessions as well as individual offices for small meetings. In addition, some public events and meetings are held at leased facilities and various local venues. Just over one-third of respondents reported receiving requests for improving accessibility to District programs or facilities. Disability-related requests have included access to more complete information about trail accessibility, improvements to trail facilities (wider trails and entrance stiles, restroom amenities, and better maintenance), service animals, and the use of e-bikes. Currently the District does not have a formal process for recording requests for improving accessibility to programs or facilities.

#### **Required or Recommended Actions:**

1. It is required that the District continue to provide reasonable modifications to program participants with disabilities and to include individuals with disabilities in regular programs to the maximum extent possible.<sup>33</sup>
2. It is required that the District does not exclude individuals with disabilities from regular programs or require them to accept different or separate aids, benefits, or services, even if they are as effective as those provided to other individuals.<sup>34</sup>
3. It is required that the District modify standard policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others.<sup>35</sup>
4. It is required that when specific District policies that exclude or limit the participation of persons with disabilities are necessary for the safe operation of programs, those requirements are based on real risks, not on speculation, stereotypes, or generalizations.<sup>36</sup>
5. It is recommended that the District proactively identify opportunities to increase access to all District preserves and facilities for people with different types of disabilities.
6. It is recommended that the District increase outreach to persons with disabilities and the organizations that serve them to ensure program accessibility.
7. It is recommended that the District continue to provide information about facility accessibility on its publications, including the District's website and facility web pages.

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<sup>33</sup> Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

<sup>34</sup> Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

<sup>35</sup> Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

<sup>36</sup> Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

8. It is recommended that requests relating to facility access be recorded and monitored. The ADA Coordinator could analyze accessibility requests periodically to look for global issues that can be addressed and problems that can be solved proactively.

### ***Public Meetings***

Public meetings are a regularly occurring activity for many public agencies. The main objective of these meetings is to impart and solicit information on public issues of importance to the District. Where these meetings are held is an important consideration in meeting ADA requirements.

### **Self-Evaluation Findings:**

Respondents from seven departments reported that the District holds public meetings, and several of the departments that don't host meetings reported that they provide support such as producing meeting materials. Nearly all respondents (12 of 14) in these departments reported that public meetings are required to be held in accessible locations. When meetings cannot be held at an accessible location (for example, at an undeveloped project site), the meeting announcement includes a notice that requests for modifications to provide accessibility will be accommodated, if possible, with 48 hours' notice. Nine of 14 respondents reported that ASL interpreters or adaptive equipment are available when requested with 48 hours' notice (and in some cases, with five days' notice), but four respondents were unaware as to whether these modifications are available. Most respondents reported that ASL interpreters or adaptive equipment (such as assistive listening devices) for people who are deaf or have hearing loss are available when requested with 48 hours' notice, and portable assistive listening devices are available for off-site meeting locations. Board meeting agendas include the following notice:

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at 650-691-1200. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

### **Required or Recommended Actions:**

1. It is required that the District hold public meetings in accessible facilities to accommodate the participation of people with mobility disabilities.<sup>37</sup>
2. It is required that the District provide agendas and other meeting materials in alternative formats, when requested.<sup>38</sup>
3. It is required that the District provide flexibility in the time limit on speaking for individuals with communication difficulties.<sup>39</sup>

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<sup>37</sup> Title 28, Chapter 1, § 35.160 General.

<sup>38</sup> Title 28, Chapter 1, § 35.160 General.

<sup>39</sup> Title 28, Chapter 1, § 35.160 General.

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4. It is required that the District has assistive listening devices available for public meetings where the sound at the meeting is amplified.<sup>40</sup>
  5. It is recommended that the District continue to display a notice on meeting agendas indicating the availability of accessibility modifications.
  6. It is recommended that the District prepare a list of accessible meeting spaces to facilitate the scheduling of meetings and/or the relocation of meetings upon request.
  7. It is recommended that the District move disability-related agenda items to be heard toward the beginning of agendas when requested. Some people with disabilities are unable to stay late at meetings because they use paratransit, have fixed schedules, are unable to sit for long periods of time, and/or need to use personal care attendants.
  8. It is recommended that the District maintain a list of qualified, on-call ASL interpreters who may be brought to meetings to assist individuals who are deaf or have hearing loss.
  9. It is recommended that the District develop a checklist and provide instruction to District staff on ensuring the accessibility of meetings. Guidelines should include examples of the types of modification requests that may be made by persons with different types of disabilities, including assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like real-time captioning. Other considerations should include an accessible route to the meeting room, accessible restrooms, accessible parking, and an accessible route from transit and parking to the meeting facility. Staff should also consider the layout of the room, sign-in table, and refreshments table to ensure that these features are accessible.
  10. It is recommended that a District staff member who has received ADA training in customer service is assigned as a greeter at public meetings and events and identified as a resource for persons who may require assistance.

### ***Public Telephones and Communication Devices***

Even with technological advances such as cell phones, texting, and instant messaging, provision of alternative communication technologies such as **text telephones** (TTY), **telecommunications display devices** (TDDs), or **telephone** and **video relay services** are still required for conducting communications with the public.<sup>41</sup>

### **Self-Evaluation Findings:**

Six of 25 respondents reported that they have communicated or are prepared to communicate by telephone with people who are deaf or who have hearing loss or speech disorders, but none have experience or training using a text telephone (TTY) or the California Relay Service (711). Both the Mt. Umunhum and Sierra Azul Preserve provide TTY-enabled call boxes, although no respondents were aware if the TTY number is published in materials where District phone numbers are listed.

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<sup>40</sup> Title 28, Chapter 1, § 35.160 General; 2010 Standards 219.2 Required Systems.

<sup>41</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

### Required or Recommended Actions:

1. It is required where the District communicates by telephone, it can communicate with a person who is deaf or who has hearing loss using a TTY or equally effective communications systems, such as 711.<sup>42</sup>
2. It is required that District staff members can use TTY equipment or other means of communicating over the telephone (such as 711) with a person who is deaf or who has hearing loss or a speech disorder, or are able to direct a member of the public to knowledgeable staff.<sup>43</sup>
3. It is required that District publications that list phone numbers also include information on how people who are deaf or who have hearing loss or speech disorders can communicate with departments by phone.<sup>44</sup>
4. It is recommended that District staff become familiar with Video Remote Interpreting Services (VRI) for communicating with people who are deaf or who have hearing loss or speech disorders. There are many situations where a live interpreter is required, such as in medical situations, but VRI can be a convenient, flexible, lower-cost alternative.
5. It is recommended that District staff become familiar with **Video Relay Service (VRS)**, a form of **Telecommunications Relay Service (TRS)** that enables persons with hearing disabilities who use American Sign Language (ASL) to communicate with voice telephone users through video equipment, rather than through typed text.
6. It is recommended that District staff are trained to communicate with people who are deaf or who have hearing loss or speech disorders, including training on how to operate a TTY.

Additional information about providing telecommunications services for people with disabilities that are as effective as those provided for people who make voice calls is available from the FCC at <http://transition.fcc.gov/cgb/consumerfacts/section255.pdf> and TRS Online at <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs> and TDI Online at <http://www.tdi-online.org/>.

### ***Special Events and Private Events on Public Properties***

All events on public property should be accessible to people with disabilities. When the District rents or allows use of its properties to a third party for special events, the program accessibility of event activities is the responsibility of the tenant.

### Self-Evaluation Findings:

Respondents from seven departments reported that they organize public special events or help facilitate private events on District property, including grand openings, groundbreaking ceremonies, legislative luncheons, public meetings, community events, and project site tours for

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<sup>42</sup> Title 28, Chapter 1, § 35.161 Telecommunications.

<sup>43</sup> Title 28, Chapter 1, § 35.161 Telecommunications.

<sup>44</sup> Title 28, Chapter 1, § 35.161 Telecommunications; Title 28, Chapter 1, § 35.163 Information and signage.

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outside agency staff. Many respondents (7 of 23) did not know if private entities were informed of their obligations to facilitate participation of individuals with disabilities in these special or private events. Six respondents were aware of staff training and/or informal communication regarding these responsibilities.

**Required or Recommended Actions:**

1. It is recommended that staff members who organize public special events receive training regarding their obligations to facilitate participation of individuals with disabilities in these events.
2. It is recommended that the District provide a checklist and information during the application process to inform organizers of their responsibility for accessibility under the ADA when private organizations sponsor events at District facilities.
3. Additional information about making temporary events accessible to people with disabilities is available from the ADA National Network at <https://adata.org/publication/temporary-events-guide> and the Golden Gate National Recreation Area at <https://www.nps.gov/goga/planyourvisit/upload/Accessibility-Checklist-for-Special-Events-Version-2.pdf>.

***Televised and Audiovisual Public Information***

Televised and audiovisual information is a means for disseminating public information through presentations produced by the District. All televised and audiovisual information, including PowerPoint presentations, must be accessible to persons with disabilities. As more communication is being done remotely via the internet, it is increasingly important that all communication tools maintain accessibility as technology changes.<sup>45</sup>

**Self-Evaluation Findings:**

All departments reported that they present audiovisual material to the public, including PowerPoint presentations, audiotapes, videos, and other televised materials. Several respondents reported that closed captioning and transcripts for audiovisual or televised materials are made available for people with disabilities, but the majority of respondents did not have experience of or knowledge about how to provide alternative formats if requested.

**Required or Recommended Actions:**

1. It is required that the District provide, when requested, alternatives to audio presentations for District programs and for audiovisual presentations produced by the District (including videos, films, and meetings) to ensure that persons who are deaf or have hearing loss can benefit from these presentations.<sup>46</sup>

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<sup>45</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

<sup>46</sup> Title 28, Chapter 1, § 35.160 General. Closed captioning is not required for all televised or audiovisual presentations, but it is a common way of making them accessible to people who are unable to hear the audio portion, and in some instances, it might be the only accessible format.



2. It is recommended that when the District presents PowerPoint or other visual presentations, the presenter read the slides and describe the graphics if requested by a person who is blind or visually impaired.
3. It is recommended that the District provide instruction to each department on how to produce audiovisual information in alternative formats for persons with various disabilities to ensure that requests are handled in a uniform and consistent manner. Developing and implementing standard District templates for presentations that are formatted for accessibility with structure and text styles can assist in consistency of accessible materials and agency branding.
4. It is recommended that when images of people in general are part of an audiovisual presentation, images of persons with disabilities are included.

### ***Tours, Trips, and Transportation***

Many public agencies provide transportation or facilitate tours and trips as part of their programs. These services are subject to title II regulations. The District is responsible for ensuring that tours or trips can be experienced by people with disabilities by making accommodations or modifications.

#### **Self-Evaluation Findings:**

Respondents from most departments reported that the District provides transportation or organizes trips for members of the public. Requests for modifications to make transportation services accessible (using either District vehicles or charter buses) are handled on a case-by-case basis by the District Clerk or ADA Coordinator with no formal policy currently in place. Accessibility measures for transportation services, trips, and tours are typically available for individuals with a mobility disability, and notice is required in advance for other modification requests.

#### **Required or Recommended Actions:**

1. It is required that the District make reasonable modifications for transportation methods, when requested, to enable a person with a disability to use the service.
2. It is required that the District make reasonable modifications to tours or trips, when requested, to enable people with mobility, visual, speech, hearing, and cognitive disabilities to participate.<sup>47</sup> Tour materials must inform a person with a disability how to request an accessibility modification.
3. It is recommended that the District evaluate the destinations of tours and trips as well as the means of transportation to determine accessibility, as well as any modifications that may be required. If a tour route or portion of a route is not accessible and modifications are requested, the District should reroute the tour or provide alternate modifications that will allow the tour or trip to be experienced (for example, photographs, closed captioned videos).

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<sup>47</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

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4. It is recommended that the District provide information about the accessibility of tours and trips on its website, including the destination, transportation, and other characteristics of the event, so informed requests for modifications can be made.

### ***Training and Staffing***

As a part of the District's ongoing staff development and training activities, trainings in disability awareness, customer service, standards, and resources are encouraged for all staff who interface with the public, whether in person, online, or over the telephone.

### **Self-Evaluation Findings:**

Only one of 24 respondents reported having no contact with the public. Public contact included phone and email communications, with rangers and volunteers having primarily in-person interactions. More than half of the respondents reported that staff members who have contact with the public receive training on the District's obligations and policies that enable persons with disabilities to participate in programs or activities. Training is provided at staff meetings, through the distribution of written guidelines, at tailgate trainings regarding service animals, and via District-wide accessibility training conducted most recently in 2017. The ADA Coordinator provides in-house training on interacting with people with disabilities to all department staff, although several respondents noted that trainings have been infrequent, and that newer staff may not have received training.

### **Required or Recommended Actions:**

1. It is required that District staff members are knowledgeable about providing accessible services, programs, and activities for the public, and that accessible facilities are maintained in working order.<sup>48</sup>
2. It is recommended that the District:
  - a. Provide all staff members with ongoing awareness and sensitivity training.
  - b. Provide training to District staff members who have contact with the public about how to provide modifications and use assistive devices to make their programs, activities, and services accessible. The District should ensure that training includes information about communicating with and providing modifications for persons with a variety of disabilities. Include program-specific adaptations, assistive devices, and modifications in the District's accessibility policy manual.
  - c. Develop a comprehensive disability access training program. Educate all District staff about their responsibilities under the ADA. The District's ADA Coordinator and department heads should be responsible for ensuring that staff members receive training. Reference materials that address special modifications should be included in this training.
  - d. Develop standard guidelines for training materials. These guidelines should include standard language that appropriately describes the District's policy on

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<sup>48</sup> Title 28, Chapter 1, § 35.160 General; Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

- inclusion and non-discrimination, and staff members should receive training in using the guidelines effectively.
- e. Depending on operational needs, consider offering training to employees who have contact with the public and wish to learn basic ASL communication skills.
  - f. This training should emphasize basic communication skills and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.
  - g. Train staff, primarily in Planning, Engineering and Construction, and Land and Facilities Services, regarding basic accessibility compliance and building codes to maintain facilities in an accessible condition.
  - h. Provide staff members with training in general building evacuation procedures for assisting persons with different types of disabilities in an emergency.

### ***Use of Consultants and Contractors for Delivering Program Services***

Many public agencies rely on the use of contractors, licensees, consultants, and other entities for the delivery of services. These entities are considered an extension of the District's services and are required to adhere to the same ADA regulations as the District.

#### **Self-Evaluation Findings:**

Respondents from nine departments reported using consultants, including those who assist with public meeting facilitation, public presentations, restoration planting projects, public hikes, docent training, and recognition events. Some departments inform consultants in person on a case-by-case basis. Several departments reported having ADA requirements included within the contract terms. Many respondents reported that they did not inform consultants or were unaware if consultants were informed of their obligations regarding the ADA.

#### **Required or Recommended Actions:**

1. It is required that contractors, licensees, consultants, and other entities providing or delivering services for the District adhere to the same ADA regulations as the District.<sup>49</sup>
2. It is recommended that the District ensure that contractors, licensees, consultants, and other entities are aware of their obligation to make programs and activities accessible.
3. It is recommended that the District monitor programs and activities to ensure continued accessibility.
4. It is recommended that the District provide a checklist and information to inform contractors, licensees, consultants, and other entities of their responsibility for accessibility under the ADA.

### ***Website***

As people turn to the internet as their primary source of information regarding services, programs, activities, and facilities, the District's website at <https://www.openspace.org/> takes on increased importance as a communications tool. Providing online public access to District

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<sup>49</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

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publications is an effective means of reaching persons with disabilities.<sup>50</sup> New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.<sup>51</sup>

### **Self-Evaluation Findings:**

Information on the District website is created and managed by a combination of individual departments and the Public Affairs staff, with technical support provided by the Information Services and Technology department. Respondents from four departments reported that they provide website updates and content related to their programs, including District financial reports, resource management, open space planning, and volunteer/docent opportunities. Other examples of website content include details about the District, contact information, photos, maps, project updates, program overviews, board meeting materials, and information about events and activities.

Although many respondents reported that the website does not contain information about the accessibility of facilities or they were unsure whether this information is provided, the footer on every web page includes a link to the District's *Notice Under the ADA* and information about its commitment to providing access to its preserves and facilities for people with disabilities. Several respondents reported that the website highlights the District's accessible trails and facilities on several web pages. The *What to Do* page includes a link to *Easy Access Opportunities* (<https://www.openspace.org/what-to-do/activities/accessible>); the *Visit a Preserve* page allows visitors to filter information about which preserves are *wheelchair accessible* (<https://www.openspace.org/preserves>); and each accessible activity or preserve with accessible facilities is labeled with the ISA.

The District website was developed using best practices (such as images with ALT tags). When the website was updated, all web pages were tested for usability by individuals with disabilities using a web-based application.

### **Required or Recommended Actions:**

1. It is recommended that the District continue to periodically review its website and department home pages to ensure continued compliance with accessible web page standards, and to meet or exceed Section 508 of the Rehabilitation Act guidelines for accessibility of electronic information.

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<sup>50</sup> See <https://www.ada.gov/websites2.htm> and <https://www.ada.gov/pcatoolkit/chap5toolkit.htm>.

<sup>51</sup> Section 508 of the Rehabilitation Act requires that federal agencies' electronic and information technology is accessible to people with disabilities, including employees and members of the public. Many state and local public agencies have adopted these standards as best practices. Title 29, Chapter 16, § 794d Electronic and information technology.

2. It is recommended that the District continue to publish and update as required the Policy of Nondiscrimination, including on the Basis of Disability (as described in the *Notice Requirements* section of this Plan), on its website.
3. It is recommended that the District continue to assign one department the authority to provide standards and oversight for departments that post their own documents. This will support consistent and accessible web pages.
4. It is recommended that the District increase outreach to persons with disabilities to identify website barriers and to ensure the website includes adequate information about the District's commitment to providing accessible services.
5. It is recommended that the District continue to identify and implement the technological resources to create accessible PDF and graphic files and provide training to staff in creating accessible PDF and other electronic files for posting on the District website. Additional information for developing accessible printed materials is included in this Plan in the *Resources* section.
6. It is recommended that the District continue to provide information about the accessibility of its facilities.

## **3.2 Policy, Plans, and Guidelines Review**

This review of District policies, plans, guidelines, and programs (Table 3.1), details and specifications (Table 3.2), and preserve-specific master plans (Table 3.3) was completed in 2018. Each policy, plan, guideline, program, and technical standard reviewed is listed below with required or recommended actions for implementing specific improvements for providing access to District programs, services, and facilities.

**Table 3.1. Policy, Plan, and Guideline Review—General**

Policy   Plan   Guideline	Reference	Findings and Required or Recommended Actions
Administrative Guidelines for the Property Management Program	I. General Policy B. Tenant Selection #7	<i>Requirement:</i> Ensure tenant selection evaluation process is non-discriminatory toward prospective tenants with disabilities and that the evaluation of “suitability of the applicant for the specific property” is based on real risks and conditions, not on speculation, stereotypes, or generalizations
	IV. Landlord and Tenant Rights and Responsibilities for Third Party and Employee Tenants D. Discrimination	<i>Finding:</i> The District provides a non-discrimination statement including discrimination on the basis of disability and the following statement: <ul style="list-style-type: none"> <li>The District shall administer this Property Management Program in compliance with the state Fair Employment and Housing Acts, the federal Fair Housing Act, and the Unruh Civil Rights Act.</li> </ul>
	IV. Landlord and Tenant Rights and Responsibilities for Third Party and Employee Tenants F. Animals	<i>Requirement:</i> Adjust language to provide an exception to all qualified service animals as defined by the DOJ (see Section 2 of this Plan), and not limit the exemption to service animals for people with physical disabilities.
	IV. Landlord and Tenant Rights and Responsibilities for Third Party and Employee Tenants L. Termination of Tenancy #1	<i>Finding:</i> The District shall not evict because of race, religion, creed, political affiliation, color, national origin, ancestry, sex, sexual orientation, age, familial status, disability, or other prohibited discrimination.

Policy   Plan   Guideline	Reference	Findings and Required or Recommended Actions
Basic Policy of Midpeninsula Regional Open Space District	Recreational Use and Improvements	<p><i>Finding:</i> The District identifies recreational trail opportunities for wheeled mobility devices and other reasonable modifications for people with disabilities in the list of acceptable improvements on District land. The Basic Policy also states that access for persons with disabilities may be given priority over other types of uses where significant conflicts are evident.</p>
Policy and Plan for Relative Site Emphasis for Use, Development, and Publicity of District Sites	Policy No. 1 Policy No. 2 Addendum 1.E Addendum 1.F	<p><i>Finding:</i> Site Analysis Addendum 1.E includes “opportunities to provide access to persons with disabilities” among the criteria to be used to determine the “present and potential position of District sites in the site emphasis spectrum.”</p> <p><i>Recommendation:</i> Clarify the meaning of <i>accessible</i> in all policies and addenda to distinguish between features that are reachable or attainable to preserve visitors in general and those that meet ADA technical standards and state codes.</p>
Board Policies Manual	Policy 4.07 Trail Use	<p><i>Finding:</i> An exception for electric wheeled mobility devices and OPDMDs is provided in the prohibition of motorized vehicles on trails.</p> <p><i>Finding:</i> Policy 5.0 - The District will endeavor to provide trail access for a variety of physical capabilities and user needs (including persons with physical limitations) in a manner consistent with resource protection goals, budgetary constraints, and state and federal regulations.</p>
	Policy 4.10 Other Power-Driven Mobility Devices	<p><i>Finding:</i> The <i>OPDMD Policy</i> is consistent with the requirements and evaluation process established by the DOJ revised final regulations dated September 15, 2010 and the subsequent guidance document dated January 31, 2014.</p> <p><i>Requirement:</i> Continue to implement the policy regarding the use of Segways, electric bicycles, and other qualified OPDMDs.</p>

Policy   Plan   Guideline	Reference	Findings and Required or Recommended Actions
Board Policies Manual (continued)	6.08 Equality, Diversity and Inclusion	<i>Finding:</i> The District is committed to supporting equality, diversity, and inclusion of all facets of society, the principles of which include fairness of treatment, recognition of rights, acceptance of responsibilities, commitment to equality, and dedication to expanding opportunities for all. Valuing diversity is a core District principle that will be practiced and communicated at all levels of the organization.
District Ordinance 14-01	701.1 Dogs C. Leash Required	<i>Requirement:</i> Provide an exception where the leash requirement may interfere with the service animal's work or the person's disability prevents use of these devices.  The ADA requires that service animals be under the control of a handler at all times and, if not on leash, the person must use voice, signal, or other effective means to maintain control of the animal.
	701.3 Horses and Livestock	<i>Requirement:</i> Provide an exception where a miniature horse is used as a qualified service animal.
	802 Operation of Motorized Vehicles: Off-Road Vehicles. 802.2 Exceptions	<i>Requirement:</i> Provide an exception for motorized vehicles when used as a qualified OPDMD or provide a reference to the District <i>OPDMD Policy</i> .
District-issued Permits	Online Permit Applications	<i>Requirement:</i> For individuals unable to complete an online form, provide a telephone number, email, or other contact information for the individual responsible for issuing permits.
	General Large Group/Event Permit Conditions	<i>Finding:</i> As a condition to receiving a permit, the District requires permittees to comply with all permit conditions, as well as federal, state, local, and District laws, regulations, and ordinances



Policy   Plan   Guideline	Reference	Findings and Required or Recommended Actions
Docent and Volunteer Programs Structure Study Draft Report	Key Recommendations	<i>Recommendation:</i> Include training and information on the District’s responsibility to provide accessible interpretive programming, what that means, and how to do it, along with techniques and available modifications for approaching interpretive programming for people with various disabilities – cognitive, emotional, auditory, vision.
	Interpretation and Education Program Recommendation 7	<i>Requirement:</i> In addition to setting the agenda for interpretive programs, the District is required to provide relevant materials and alternative formats upon request by an individual with a disability to participate in the program if doing so would not cause an undue burden.
	Trail Work Recommendation 16	<i>Requirement:</i> Ensure the Trails Specialist and crew leaders are aware of the requirements for Easy Access Trails, how to monitor conditions, and accessible <b>trail maintenance</b> .
Easy Access Opportunities Brochure	General	<i>Finding:</i> The brochure provides information on accessibility policies and site-specific conditions for Easy Access Trails as well as contact information for how to make a request for modifications
Emergency Operations Plan	General	<i>Finding:</i> The objective of this plan is to incorporate and coordinate all agencies and personnel of the District into an efficient organization capable of responding to any emergency.
	Annex D: Home Preparedness Guide	<i>Recommendation:</i> Use people-first language. Replace <i>handicapped persons</i> with <i>people with disabilities</i> .
	Section 1: Assumptions	<i>Recommendation:</i> Consider issues that have the greatest impact on people with disabilities, such as the disposition of service animals and general "accessibility for people with disabilities" during an emergency.

Policy   Plan   Guideline	Reference	Findings and Required or Recommended Actions
Emergency Operations Plan (continued)	Section 3: IT and Communications Unit	<i>Requirement:</i> Provide staff training on how to communicate information about emergency alerts with people who are deaf or who have hearing loss or speech disorders.
	Annex B: Board Duties	<i>Recommendation:</i> Collaborate with the Offices of Emergency Services and community-based organizations in San Mateo and Santa Clara Counties that provide disaster response and recovery services, including for people with disabilities.
	Annex A: DSW Policy-- Training	<i>Requirement:</i> Ensure that training programs help District staff understand their responsibility to provide appropriate care for people with disabilities during an emergency.
	Policy Provision 2	<i>Recommendation:</i> Encourage participation of people with disabilities on advisory committees, task forces, and work groups as needed in the development and review of policies and plans.
	Policy Provisions 9 and 10	<i>Recommendation:</i> Ensure all public meetings are held in accessible locations.
	Policy Provisions 13 and Section 3 Public Information, Education and Outreach	<i>Requirement:</i> Ensure all printed materials are available in an alternative format when requested by a person with a disability.
Interpretive Planning Guide	Reaching District Visitors	<i>Recommendation:</i> Collaborate with local community resources, such as organizations that represent people with disabilities, when evaluating which interpretive elements and methods would be most beneficial and appropriate for District visitors with disabilities.

Policy   Plan   Guideline	Reference	Findings and Required or Recommended Actions
Interpretive Planning Guide (continued)	Appendix F – Accessibility Standards for Interpretive Facilities, Products, and Programs	<p><i>Finding:</i> A well-composed, concise document that covers the basics of accessibility for interpretive elements and provides references to resources for further information and research.</p> <p><i>Recommendation:</i> Ensure staff are aware of this document and receive training on producing accessible interpretive facilities, products, and programs.</p>
Resource Management Policy	Policy PI-1	<p><i>Finding:</i> Interpretive materials are to be provided in a wide range of media (web and print based).</p> <p><i>Requirement:</i> Ensure all media materials are accessible or available in alternative formats when requested.</p>
	Policy FM-8	<p><i>Finding:</i> Interpretive displays are to be placed in accessible locations.</p>
Service Plan for the San Mateo Coastal Annexation Area	Guideline G6.17	<p><i>Recommendation:</i> Ensure all drainage and erosion control features located on Easy Access Trails conform with the District’s Easy Access Trail guidelines.</p>
	Guideline G6.28	<p><i>Recommendation:</i> Include language for the minimum clear height of a hiking trail to be 80 inches.</p>
Strategic Plan Update	General	<p><i>Finding:</i> Goals and Objectives of the Strategic Plan update are general and non-discriminatory.</p>
Accessible Open Space	Accessibility web page	<p><i>Recommendation:</i> Revise statement to reflect current ADA requirements.</p> <p><i>In accordance with the ADA, the District accommodates service animals in preserves wherever we allow public access.</i></p>

**Table 3.2. Policy, Plan, and Guideline Review—Details and Specifications**

Details and Specifications	Reference	Findings and Required or Recommended Actions
Details and Specifications  3 Roads and Trails	General Comment	<p><i>Recommendation:</i> In specifying slopes and dimensions on standard details and specifications, include allowances to provide for construction tolerances that will result in compliant structures, elements, and features.</p> <p><i>Example: Caltrans specifies 1.5% maximum <b>cross slope</b> on all pedestrian walks to provide 0.5% allowance for construction variation where 2% maximum cross slope is permitted by code.</i></p>
	Standard Details  3A Partial Bench Trail Construction  3B Cut Bench Trail Construction  3C Fill Bench Trail Construction  3D Rock Fill Trail Construction	<p><i>Recommendation:</i> For trails with concrete, asphalt, or board surfaces that may be used as Easy Access Trails, specify a maximum cross slope no more than 2% (1:48). Where surface is other than concrete, asphalt, or boardwalk, specify a cross slope of no more than 5% (1:20). <i>The ABA Standards limit cross slope to no more than 2% for concrete, asphalt, and board surfaces, and to no more than 5% for other surface materials. ABA 1017.7.2</i></p> <p><i>Recommendation:</i> For trails that may be used as an Easy Access Trail, provide a minimum <b>trail width</b> of 36 inches with 60 by 60 inch <b>passing spaces</b> located every 1000 feet, or as needed to provide resting intervals defined by running slope per ABA 1017.7.1.</p>
	Standard Detail 3D Trail Cross Slopes	<p><i>Recommendation:</i> For trails with concrete, asphalt, or board surfaces that may be used as Easy Access Trails, specify a maximum cross slope no more than 2% (1:48). Where surface is other than concrete, asphalt, or boardwalk, it is specify a cross slope of no more than 5% (1:20).</p> <p><i>The ABA Standards limit cross slope to no more than 2% for concrete, asphalt, and board surfaces, and to no more than 5% for other surface materials. ABA 1017.7.2</i></p>

Details and Specifications	Reference	Findings and Required or Recommended Actions
	<p>Standard Details</p> <p>3F Switchback #1 Climbing Turn</p> <p>3G Switchback #2 Hybrid</p> <p>3H Switchback #3</p>	<p><i>Finding:</i> Standard details 3F and 3G are not appropriate for use on Easy Access Trails due to steepness of approach and turn.</p> <p><i>Recommendation:</i> Identify a 60 by 60-inch minimum level landing area at switchback turn (currently shown as 1.5 times trail width). Level landing to be no more than 2% in any direction, except for surfaces other than concrete, asphalt, or boardwalk, that may be up to 5%.</p> <p><i>Recommendation:</i> When specifying <b>drain dips</b>, down slope cannot to exceed 12% running slope for more than 10 linear feet.</p>
<p>Details and Specifications</p> <p>3 Roads and Trails (continued)</p>	<p>Standard Details</p> <p>4D Road Aggregate Surfacing Typical Specifications</p> <p>Trail Aggregate Surfacing Typical Specifications</p> <p><i>Cross Slope</i></p>	<p><i>Recommendation:</i> For trails with concrete, asphalt, or board surfaces that may be used as Easy Access Trails, specify a maximum cross slope no more than 2% (1:48). Where surface is other than concrete, asphalt, or boardwalk, specify a cross slope of no more than 5% (1:20). <i>The ABA Standards limit cross slope to no more than 2% for concrete, asphalt, and board surfaces, and to no more than 5% for other surface materials. ABA 1017.7.2</i></p>
	<p>Standard Details</p> <p>4D Road Aggregate Surfacing Typical Specifications</p> <p>Trail Aggregate Surfacing Typical Specifications</p> <p><i>Firm and Stable Surface</i></p>	<p><i>Recommendation:</i> The surface of an Easy Access Trail is required to be firm and stable. It is not required to be slip-resistant. <i>The ABA Standards (Advisory 1017.2 Surface) define a firm trail surface as one that “resists deformation by indentations” and a stable trail surface as one that “is not permanently affected by expected weather conditions and can sustain normal wear and tear from the expected uses between planned maintenance.”</i></p>

Details and Specifications	Reference	Findings and Required or Recommended Actions
<p>Details and Specifications</p> <p>3 Roads and Trails (continued)</p>	<p>Standard Details</p> <p>4D Road Aggregate Surfacing Typical Specifications</p> <p>Trail Aggregate Surfacing Typical Specifications</p> <p><i>Firm and Stable Surface (continued)</i></p>	<p><i>The 2012 USDA Accessibility Guidebook for Outdoor Recreation and Trails provides the following guidance: “Use a <b>rule of thumb</b> to estimate firmness and stability. What sort of surface is firm and stable? If the answer to both of the following questions is yes, the surface is probably firm and stable. Could a person ride a narrow-tired bicycle across the surface easily without making imprints? (Bicycle tires are similar to the large rear wheels of a wheelchair.) Could a folding stroller with small, narrow plastic wheels containing a 3-year-old be pushed easily across the surface without making imprints? (A stroller’s wheels are similar to the front wheels of a wheelchair.) While this method for determining firmness and stability <b>isn’t scientifically accurate</b>, it has proven to be effective.”</i></p>
	<p>Standard Details</p> <p>4D Road Aggregate Surfacing Typical Specifications</p> <p>Trail Aggregate Surfacing Typical Specifications</p> <p><i>Tread Obstacles</i></p>	<p><i>Recommendation:</i> Tread obstacles on an Easy Access Trail, passing space, or resting intervals are required to be 1/2 inch or less in height measured vertically to the highest point. For trails with concrete, asphalt, or board surfaces that may be used as Easy Access Trails, tread obstacles are permitted to be up to 2 inches in height measured vertically to the highest point. Surface is required to be firm and stable. It is not required to be slip-resistant. <i>ABA Standard 1017.5 Tread Obstacles</i></p>
<p>Details and Specifications</p> <p>6 Structures</p>	<p>Benches</p>	<p><i>Recommendation:</i> Include note, or identify in drawings, an adjacent 36 by 48 inch- <b>clear ground space</b> positioned near the bench, ideally for shoulder-to-shoulder alignment with bench, with one side of the space adjoining the pedestrian route or trail. Clear ground space shall have a 5% maximum slope in any direction.</p>

Details and Specifications	Reference	Findings and Required or Recommended Actions
<p>Details and Specifications</p> <p>6 Structures (continued)</p>	<p>Picnic Table Standards</p>	<p><i>Finding:</i> DuMor, Inc. 100 Series PL Picnic Table does not provide adequate depth for knee and toe clearance to be considered an accessible table.</p> <p><i>Finding:</i> Black Mountain Backpack Camp Tables design is not accessible.</p> <p><i>Recommendation:</i> DuMor, Inc. 100-68-1 PL Include 27-inch high minimum knee clearance dimension from final grade to underside of table surface on elevation drawings.</p>
	<p>Parking Area Wheel Stop</p>	<p><i>Requirement:</i> When there is a pedestrian route at the head of the parking space, adjust 24-inch typical gap to 32-inch clear gap between wheel stops to provide a 48-inch wide minimum pedestrian route.</p>
	<p>Stiles and Pedestrian Entrances</p>	<p><i>Advisory:</i> Where the District permits use of OPDMDs, the maximum dimension for the vehicle is 36 inches wide by 48 inches long and may not fit through some details for pedestrian entrances. Ensure alternative access points are available.</p>

Details and Specifications	Reference	Findings and Required or Recommended Actions
Details and Specifications  6 Structures (continued)	Block Stile Barrier	<p><i>Finding:</i> Block Stile Barriers are by design a protruding object (ADA 307.2/CBC11B-307.2).</p> <p><i>Recommendation:</i> Per ABA 1017.3, adjust existing gate clear width to 36-inch minimum at Easy Access Trails. <i>Advisory for ABA 1017.3 from U.S. Access Board: The 36-inch-minimum clear tread width must be maintained for the entire distance of the trail and may not be reduced by gates, barriers, or other obstacles unless a condition for exception does not permit full compliance with the provision.</i></p> <p>– OR –</p> <p><i>Recommendation:</i> Per ADA 307.2 / CBC 11B-307.2, consider using 4 by 4 or 4 by 6 oriented with wide dimension parallel to accessible route as block stile to reduce encroachment of blocks to less than 4 inches.</p>
	Log Barrier Stile	<p><i>Finding:</i> Log stile barrier is not an accessible entrance.</p> <p><i>Requirement:</i> Where used, an alternative accessible entrance should be provided.</p>
	Trail Gate Plan – Seasonal Closure, Type 1  Trailhead and/or Preserve Entrance Type 3	<p><i>Recommendation:</i> Maintain 36-inch minimum width on trails and approaches to and from gates.</p>
	Trailhead and/or Preserve Entrance Type 2	<p><i>Recommendation:</i> Provide 60x60 inches minimum turning area past initial opening and between Block Stile and Log Stile entrances.</p>
	Wood Puncheon and Retaining Wall Detail 1	<p><i>Recommendation:</i> Ensure approach to puncheon crossing does not exceed running slopes and permitted lengths per ABA 1017.7.1.</p>



Details and Specifications	Reference	Findings and Required or Recommended Actions
Details and Specifications 6 Structures (continued)	Wood Trail Steps	<i>Finding:</i> The design allows for changes in level greater than allowed by ABA 1017 and should not be used as part of an accessible route or trail.
Details and Specifications 7 Accessibility	Parking – Perpendicular Accessible Space Layout for Existing Gravel Lots	<i>Requirement:</i> Adjust 36-inch opening between wheel stops at top of access aisle to extend the full width of the access aisle. With current configuration on single van space layout, the parked vehicle may encroach on clear width of route between access aisle and pedestrian route.
	Accessible Parking Space Paved	<i>Requirement:</i> Update referenced code section to most current CBC (2016 as of date of this Plan) to ensure all new construction is fully compliant.
	Easy Access Trails	<p><i>Recommendation:</i> Adjust gate clear width to 36-inch minimum.</p> <p><i>Advisory for ABA 1017.3 from U.S. Access Board:</i> The 36-inch-minimum clear tread width must be maintained for the entire distance of the trail and may not be reduced by gates, barriers, or other obstacles unless a condition for exception does not permit full compliance with the provision.</p> <p><i>Recommendation:</i> Ensure <b>compound slopes</b> created when surfaces have both running slope and cross slope do not exceed the maximum allowed at rest areas (resting intervals).</p> <p><i>Resting intervals shall have slopes not steeper than 2% in any direction for concrete, asphalt, and board surfaces, and not steeper than 5% in any direction for other surfaces per ABA 1017.8.</i></p>

Details and Specifications	Reference	Findings and Required or Recommended Actions
Details and Specifications  8 Sign Installation	General	<p><i>Recommendation:</i> Include the following note for all trail signs to avoid encroachment on the minimum required trail width.</p> <p><i>Trail signs shall be placed in locations where they provide clear direction and do not interfere with pedestrian or vehicular traffic.</i></p>
	4 Staging Area Sign Board Footing Detail	<p><i>Requirement:</i> Ensure, that the lower edge of a sign or brochure box is a maximum of 27 inches above the ground where sign posts are more than 12 inches apart.</p>

**Table 3.3. Policy, Plan, and Guideline Review—Preserve-Specific Master Plans**

Plan	Reference	Findings and Required or Recommended Actions
Bear Creek Redwoods Preserve Plan	General	<p><i>Finding:</i> Plan proposes at least one easy access and interpretive loop at Upper Lake Circle.</p> <p><i>Recommendation:</i> Clarify the meaning of <i>accessible</i> to distinguish between features that are reachable or attainable to preserve visitors in general and those that meet ADA technical standards and state codes.</p>
	Accessible Parking Spaces Objective PU3.1: Expand and improve ADA parking	<p><i>Recommendation:</i> Replace <i>Provide sufficient ADA parking spaces</i> with <i>Provide required number of designated accessible parking spaces</i> (3.1a)</p>
		<p><i>Recommendation:</i> Replace <i>meet ADA requirements</i> with <i>meet ADA standards and state codes</i> (3.1a)</p>
		<p><i>Recommendation:</i> Refer to recommendations for Accessible Parking Spot Paved in Details and Specifications--7 Accessibility in Table 3.2.</p>
	Accessible Trails Objective PU3.2	<p><i>Recommendation:</i> Replace <i>trail should comply</i> with <i>trail must comply</i> (3.2a)</p>
		<p><i>Recommendation:</i> Refer to recommendations for Easy Access Trails in Details and Specifications--7 Accessibility in Table 3.2.</p>

Plan	Reference	Findings and Required or Recommended Actions
Bear Creek Redwoods Preserve Plan (continued)	Accessibility Information on Trailhead Signs Objective PU3.2	<p><i>Recommendation:</i> When a new trail information sign is provided at the trailhead of a newly constructed or altered trail designed for use by hikers or pedestrians, the sign should provide information about the accessible characteristics of the trail.</p> <p><i>ABA Standards Section F216.13:</i>  <i>This requirement applies to new trailhead information signs regardless of whether the newly constructed or altered trail complies with the technical requirements for trails.</i></p>
	Element 1: Public Use and Facilities Action: Dog Access	<p><i>Requirement:</i> Include a written exception in the master plan document to permit service animals on preserve trails.</p>
	Element 1: Public Use and Facilities Action: Proposed Trail Uses	<p><i>Recommendation:</i> Include language that specifies trail use is open to people who use wheeled mobility devices and OPDMD users.</p>
	Table 3-3: Visitor Trail Segments Key Actions Required	<p><i>Requirement:</i> Include action items that improve trail conditions for people with disabilities at all trails where feasible.</p>
La Honda Creek Master Plan	Public Access, Recreation, and Environmental Education	<p><i>Recommendation:</i> Include language that specifies trail use is open to people who use wheeled mobility devices and OPDMD users.</p> <p><i>Requirement:</i> Include action items that improve trail conditions for people with disabilities at all trails where feasible.</p>
	Master Plan Elements: Easy Access Trails	<p><i>Recommendation:</i> Refer to recommendations for Easy Access Trails in Details and Specifications-- 7 Accessibility in Table 3.2.</p>

Plan	Reference	Findings and Required or Recommended Actions
La Honda Creek Master Plan (continued)	Dog Use	<p><i>Requirement:</i> Include a written exception in the master plan document to permit service animals on preserve trails unless the District has documented that it has properly excluded service animals to protect sensitive resources under title 28, Chapter 1 § 35.136(b) of the ADA and has given individuals who use service animals the opportunity to participate in the service, program, or activity without having the service animal on the trail.</p>
	Practices to Responsibly Introduce Public Use to New Areas: Signs, Brochures, and Other Forms of Public Information:	<p><i>Recommendation:</i> When a new trail information sign is provided at the trailhead on a newly constructed or altered trail designed for use by hikers or pedestrians, the sign should provide information about the accessible characteristics of the trail.</p> <p><i>ABA Standards Section F216.13:</i>  <i>This requirement applies to new trailhead information signs regardless of whether the newly constructed or altered trail complies with the technical requirements for trails.</i></p>
	Master Plan Elements and Appendix B	<p><i>Finding:</i> Plan proposes at least one easy access and interpretive loop at Allen Road.</p>
	Master Plan Elements and Appendix B (continued)	<p><i>Recommendation:</i> Clarify the meaning of <i>accessible</i> to distinguish between features that are reachable or attainable to preserve visitors in general and those that meet ADA technical standards and state codes. For example, the summary of Bern Smith’s public comment references a multi-use trail that provides “access” to the vista point and it is unclear if this refers to access for people with disabilities.</p> <p><i>Recommendation:</i> Replace <i>ADA-accessible facilities</i> with <i>facilities that meet ADA standards and state codes</i>.</p>

Plan	Reference	Findings and Required or Recommended Actions
La Honda Creek Master Plan (continued)	Maps and Signage Environmental Protection Guidelines	<i>Finding:</i> Trail maps shall also provide trail accessibility, other pertinent safety information and shall be available at all staging areas (HAZ-8).
Mindego Ranch Use and Management Plan	Public Access	<i>Recommendation:</i> Include language that specifies that the existing Mindego Hill trail is open to people who use wheeled mobility devices and OPDMD users.
	Draft Initial Study and Mitigated Negative Declaration	<i>Recommendation:</i> Consider making improvements to trail conditions for people with disabilities where feasible, especially when undertaking road erosion treatment projects along the trail.
		<i>Recommendation:</i> Refer to recommendations for Easy Access Trails in Details and Specifications-- 7 Accessibility in Table 3.2 when conducting trail improvements and maintenance in addition to the Coastal Protection Program EIR design guidelines.
		<i>Requirement:</i> Include a written exception in the master plan document to permit service animals on preserve trails.
Preserve-Specific Plans	General	<i>Recommendation:</i> Incorporate these recommended and required actions into future plans.

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# 4. Transition Plan Update

Title II of the ADA requires that public entities having responsibility for or authority over facilities meant for public use to develop a Transition Plan to make their facilities meet the standards for program accessibility. Program accessibility means that a program, activity, or service provided to the public is accessible when viewed in its entirety. Simply put, a Transition Plan assists in turning inaccessible facilities into environments that are accessible to and useable by individuals with disabilities.

The process of developing an ADA Transition Plan includes the identification of access barriers within the built environment. The Transition Plan for the removal of structural barriers to program access must contain the following information:

- the physical barriers impacting program access
- the specific barrier removal action(s)
- interim measures that will be taken during each year of the Transition Plan if the time period for achieving compliance is longer than one year
- the person or party responsible for the Plan's implementation

This Transition Plan Update combines the findings of the facility surveys, policy assessments, and program evaluations. Specific policy and program recommendations can be found in Section 3 of this Plan. The specific structural modifications required to make programs accessible are listed in the facility reports located in Appendix B.

## 4.1 Target Schedule for Facility Improvements

Barriers identified at District facilities will be removed systematically based on program priorities.

This plan proposes a 15-year strategy for removing barriers at District buildings and preserves. The District reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in District programs, and funding opportunities and constraints.

Title II regulations state that if a transition plan will take more than one-year to fully implement, it must contain interim steps to provide program accessibility. Interim measures will be explored and implemented to provide better access for the public pending the implementation of major physical barrier removal projects. Interim measures in this Plan may include:

- relocating a program to an accessible facility
- the installation of directional signs
- the installation of informational signs at trailheads
- the installation of a power door or lift
- adjustments to operating mechanisms
- temporary modifications that increase access
- other actions that enable better access



## 4.2 Accessibility Standards

The process of developing an American with Disabilities Act (ADA) Transition Plan includes the identification of access barriers within the built environment. The District evaluated its open space preserves, District buildings, and a portion of its trail facilities in winter 2017-2018. The ADA barrier assessment included an evaluation of all interior and exterior features of public facilities and environments used by the public. The assessment identified physical barriers that limit accessibility in each facility. At the time of the facilities evaluations, the 2010 ADA Standards, 2016 California Access Compliance Advisory Reference Manual (CBC), and the 2015 ABA Standards for outdoor developed areas were used to identify barriers at District facilities. Although building codes and standards are revised every few years, the barrier evaluations conducted in 2017 and 2018 provide an assessment of current conditions as viewed by current code and a baseline for future barrier removal.

## 4.3 Facility Evaluations

The site evaluations were accomplished using a team of accessibility assessors equipped with measuring devices, District facility information, and evaluation checklists. Diagrammatic sketches of each site were annotated during the evaluation process and were included with the facility reports to the District. The resulting reports are located in Appendix B of the Plan, which are available upon request.

These reports describe the conditions observed during the evaluation period. The information contained in these reports has been transferred to a barrier analysis spreadsheet, which is the living Transition Plan document and the District's ongoing record of the remediation of barriers. The tracking tool will be updated over time as the District removes barriers or finds programmatic solutions to barriers. The record is maintained by the District's ADA Coordinator. For the current status of the remediation of barriers, contact the District's ADA Coordinator at 650-691-1200.

### Barrier Categorization

Within the facility reports, identified barriers are organized in a process referenced in the ADA title II regulations. The principle is to ensure that basic access is provided, access to activities is provided, amenities are accessible, and alternatives to architectural modifications are allowed when appropriate. Translating these categories into action plans must be accomplished using a programmatic approach. The identified barriers are divided into four categories:

**Category 1:** identifies those barriers that affect accessibility at the entrance to a facility or a pedestrian route to the portion of the facility where program activities take place (for example, parking, walks, ramps, stairs, doors).

**Category 2:** identifies barriers that affect accessibility to program use areas (for example, trails, transaction counters, conference rooms, public offices, restrooms).

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**Category 3:** identifies barriers that affect access to amenities serving program areas (for example, drinking fountains, telephones, site furnishings, vending machines).

**Category 4:** identifies areas or features that may not be required to be modified for accessibility (for example, a pathway that does not connect to an accessible feature, an area where no public programs or activities occur, or the program or activity provided at this location is available in another appropriate location).

This categorization was applied to each identified barrier at District open space preserves, buildings, and trails.

### **Criteria for Prioritizing Barrier Removal at District Facilities**

Prioritizing the removal of barriers in District facilities is an important component of developing and implementing an ADA Transition Plan Update.

The current Transition Plan Update is consistent with the District's *Policy and Plan for Relative Site Emphasis for Use, Development, and Publicity of District Sites*, which was adopted by the Board of Directors in 1982 and amended in 1988 and 1993. These policies for prioritizing improvements and development recognized that since it was "neither desirable nor feasible to emphasize each site highly, criteria have been developed to determine the relative emphasis for various sites." Offering opportunities to provide access for persons with disabilities was included among the site analysis criteria for the use, development, and publicity of District sites (Addendum 1.E -- Accessibility to Public).

Two meetings to develop criteria for prioritizing the removal of barriers at each of the District's public facilities were conducted with staff on May 22 and July 11, 2018.

The following non-rank-ordered criteria were considered in the schedule for mitigating architectural barriers at facilities in which the District provides programs, activities, and services to the public.

- **Geographic distribution:** Prioritize barrier removals that widely distribute the availability of accessible programs and facilities throughout the District, aiming for wide distribution throughout District wards, preserves, and subregions identified in the Vision Plan.
- **Unique experiences and environments:** Prioritize barrier removals that improve accessibility to unique programs or facilities.
- **Usage levels:** Prioritize barrier removals at facilities that receive high levels of visitor use and other sites of high public interest (including highly rated Vision Plan projects).
- **Public feedback and requests:** Prioritize barrier removals at facilities that have received prior accessibility complaints.
- **Project Readiness:** Cost, ease of implementation and general project readiness will be considered when prioritizing barrier removals. Prioritize barrier removals that leverage existing capital improvement or maintenance projects. The District is committed to making efficient, cost-effective use of the resources available for barrier removals.

- **Plan Consistency:** Prioritize barrier removals that are consistent with Measure AA, the Vision Plan, the Strategic Plan and the Coastside Protection Area Service Plan.
- **Safety:** Prioritize barrier removals that address safety for visitors with disabilities.
- **Primary Access:** Prioritize barrier removal at elements that provide entry to District preserves and their programs.

Additional considerations for scheduling barrier removals include the type of barrier removal and time frame guidelines, sensitive resource stewardship, and District facilities that may be eligible for safe harbor exceptions under the ADA.

**Type of barrier removal and time frame guidelines:** Barrier removals will be grouped by District staff as maintenance, small capital, or large capital projects as shown in Table 4.1. The time frame guidelines identified below for each type of barrier removal will be considered, in addition to the prioritization criteria, when scheduling barrier removal work. Barrier removal projects of any type may be implemented concurrently at any time over this Plan’s 15-year time frame. Where possible, the District will group barrier removal work with other planned maintenance and/or capital projects for economies of scale.

**Table 4.1. Type of Barrier Removal and Time Frame Guidelines**

Barrier Removal Type	Time Frame Guideline	Description	Notes
Interim Solutions	1 to 5 years	Interim measures in place pending implementation of major barrier removal projects	<i>Example:</i> relocating programs to accessible facilities
Maintenance Improvements	1 to 5 years	Completed in-house. <i>Examples:</i> new signage, relocating hand dryers, regrading trailheads; <\$5,000 each	Where possible, group with other planned projects and work items
Small Capital Improvements	1 to 10 years	Completed in-house or by contractor; <\$50,000 each	
Large Capital Improvements	1 to 15 years	Completed by contractor; >\$50,000 each	

**Sensitive resource stewardship considerations:** Accessibility improvements need to remain protective of sensitive resources and habitats and comply with the District’s Resource Management Policies, CEQA, NEPA, the Endangered Species Act, the National Historic Preservation Act and other applicable federal, state and local regulations.

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**Safe Harbor exception:** Facilities that are subject to Safe Harbor provisions under the ADA may remain in their current condition until the District plans to alter those facilities. Future accessibility improvements at these sites may be considered on a case-by-case basis. Please see Section 4.6 for discussion of Safe Harbor provisions.

## **4.4 Transition Plan Update Target Schedule for Open Space Preserves and Buildings**

The District is committed to removing barriers to accessibility in an efficient and effective manner across all preserves. To achieve this goal, decisions on when and what barrier removal actions are being addressed are informed by both the types of projects (Table 4.1), the prioritization criteria (Section 4.3), and the Transition Plan schedules (Tables 4.2 and 4.3). This approach recognizes that some barrier removal actions will take more time for planning, permitting, contracting, and construction purposes, and will assist the District in taking advantage of more immediate opportunities for barrier removal projects so they can make progress elsewhere in the meantime. This will help the District toward providing meaningful access to all users and ensure accessible opportunities for outdoor recreation are being provided district-wide in an equitable manner.

Tables 4.2 and 4.3 describe the target schedule of priorities for barrier removal at District open space preserves and buildings. This target schedule represents a 15-year strategic plan for barrier removal. These schedules were developed using the prioritization criteria and additional considerations described in Section 4.4.

As part of annual budget and review of the Capital Improvement and Action Plan development process, the District would evaluate the schedule of priorities for barrier removal and adjust the timing as appropriate, based on funding and resources availability. Tables 4.2 and 4.3 below may be revised to continue to serve as a guide for prioritization of barrier removals at the District.

**Table 4.2. District Transition Plan Update Target Schedule for Open Space Preserves**

<b>Location</b>	<b>Years 1-5</b>	<b>Years 1-10</b>	<b>Years 1-15</b>	<b>N/A</b>
Bear Creek Redwoods	X			
Coal Creek			X	
El Corte de Madera Creek		X		
El Sereno			X	
Foothills			X	
Fremont Older		X		
La Honda Creek		X		
Long Ridge			X	
Los Trancos		X		
Monte Bello		X		
Picchetti Ranch		X		
Pulgas Ridge		X		
Purisima Creek Redwoods	X			
Rancho San Antonio	X			
Ravenswood	X			
Russian Ridge	X			
Russian Ridge (Mindego Hill)			X	
Saratoga Gap			X	
Sierra Azul (Mt. Umunhum)	X			
Sierra Azul (Kennedy-Limekiln)			X	
Skyline Ridge	X			
St. Joseph's Hill		X		
Stevens Creek Shoreline Nature Area			X	
Teague Hill*				X
Thornewood			X	
Windy Hill	X			

\*This preserve has a single trail section and contains no other public use facilities

**Table 4.3. District Transition Plan Update Target Schedule for Buildings**

<b>Location</b>	<b>Years 1-5</b>	<b>Years 1-10</b>	<b>Years 1-15</b>	<b>N/A</b>
Administrative Offices at 330 Distel Circle (Building and Exterior)			X	
David C. Daniels Nature Center at Skyline Ridge Open Space Preserve	X			
Picchetti Ranch Main House			X	
Picchetti Ranch Winery	X			
Rancho San Antonio Foothills Field Office (Building and Exterior)		X		
Skyline Ridge Field Office		X		

The future administrative offices at 5050 El Camino and field office at 240 Cristich Lane were not occupied by the District at the time of the Final Plan approval. ADA improvements are being assessed and implemented as part of renovations to the buildings.

## 4.5 Easy Access Trail Facilities

It is the District’s goal to provide accessible trails to the public. Easy Access Trails are designed to promote access for those with disabilities as well as wheelchairs, strollers, walkers and anyone desiring a less strenuous open space experience. Easy Access Trails are within close proximity to accessible parking and other facilities. Several preserves have Easy Access Trails, and most of these are at least 4 feet wide, have a grade generally not exceeding 5%, and have a fairly uniform surface.

The District’s Easy Access Trails are listed in Table 4.4 below. Easy Access Trails were assessed using the recommended criteria from the 2015 ABA Standards for outdoor developed areas. Exceptions to the technical requirements of the 2015 ABA Standards are discussed in more detail in the following section.

The District will strive to meet the ABA Standards for recreation trails to the extent **practicable**. Accessibility improvements at recreation trails need to remain protective of sensitive resources and habitats and comply with the District’s Resource Management Policies, CEQA, NEPA, the Endangered Species Act, the National Historic Preservation Act and other applicable federal, state and local regulations. Additionally, unique and extreme site constraints throughout District preserves may limit the barrier removal work identified in the facility reports. In planning for barrier removal at recreational trails, the District will evaluate the site to determine whether the trail standards and conditions for exceptions described in the ABA Standards are applicable to the trail in question and document the decision-making process. Further discussion of

conditions for exceptions is in Section 4.6 Barrier Removal Considerations for Plan Implementation.

**Table 4.4. Easy Access Trails**

<b>Open Space Preserve</b>	<b>Trail</b>
<i>El Corte de Madera Creek</i>	Sierra Morena Trail
<i>Monte Bello</i>	Stevens Creek Nature Trail
<i>Picchetti Ranch</i>	Zinfandel Trail
<i>Pulgas Ridge</i>	Cordilleras Trail
<i>Purisima Creek Redwoods</i>	Redwood Trail
<i>Rancho San Antonio</i>	Lower Meadow Trail
	Permanente Creek Trail
	RSA Bike Path
	Rogue Valley Trail
<i>Ravenswood</i>	Ravenswood Trail
<i>Russian Ridge — Mindego Gateway</i>	Walk to A.C. Rust Commemorative Site*
<i>Sierra Azul - Mt Umunhum Summit</i>	Mt Umunhum Summit Trail*
<i>Skyline Ridge</i>	Alpine Pond Loop Trail
	Horseshoe Lake Trail
<i>Windy Hill</i>	Anniversary Trail

*\*For the purposes of this Plan, this Easy Access Trail is considered a walk, which is covered under the ADA*

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## 4.6 Barrier Removal Considerations for Plan Implementation

The District will accomplish barrier removals based on two strategies: policy and procedure modifications to remove programmatic barriers and maintenance and construction projects to remove structural barriers.

Title II of the ADA requires a public entity to “operate each service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” This requirement does not:

- necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities
- require a public entity to take any action that would threaten or destroy the historic significance of an historic property
- require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or impose undue financial and administrative burdens

The responsibility for ensuring barrier removal will reside with the District’s ADA Coordinator. In compliance with the requirements of the ADA, the District will maintain in working order features that are required to provide access to individuals with disabilities. There are two conditions that determine when barriers must be removed: to provide access to programs, activities, and services and when a facility is altered.

### Program Accessibility

A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing facilities are inaccessible. A state or local government’s programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

As mandated by title II of the ADA, this Transition Plan Update presents a schedule for removing facility barriers to accessing the District’s programs, activities, and services.

### Alterations

The District is also required to remove physical barriers when it alters a facility.

Alterations are defined in the ADA standards (§106.5) as “a change in a building or facility that affects or could affect the usability of a building or facility or portion thereof.” Many types of projects are considered “*alterations*,” including remodeling, renovation, rehabilitation, reconstruction, restoration, resurfacing of circulation paths or vehicular ways, and changes or rearrangement of structural parts, elements, or walls. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not considered alterations unless they affect a facility’s usability. For example, a project limited to an HVAC system that



includes the addition of thermostats would affect a facility's usability because it involves elements (operable parts) covered by the standards.

Both the ADA under Section 35.151 (b) Alterations and the CBC under 11B-202.4 Exception 4 specify that additional **path of travel** improvements are not required where alterations are performed solely for the purpose of barrier removal when undertaken pursuant to the requirements of the ADA or the accessibility requirements of the CBC.<sup>52</sup>

The standards ensure that the opportunities for accessibility presented by an alteration are taken. How and to what extent the standards apply is determined by the scope of a project and the elements and spaces altered. Only those elements or spaces altered are required to comply, but alterations made to areas containing a **primary function** (a major activity for which a facility is intended) also require an accessible path of travel.

When altering a primary function area, the ADA requires that existing barriers on the path of travel to this area must be removed to the maximum extent that is **technically feasible**. Path of travel elements are restrooms, doors, telephones, drinking fountains, the route itself, and several other items. The expense for making these additional elements accessible is considered disproportionate if it exceeds 20% of construction costs; therefore, the additional amount an agency is required to spend over the construction costs for path of travel improvements would be a maximum of 20%. The following is a rank-ordered list of priorities for making improvements to path of travel element:

1. an accessible entrance
2. an accessible route to the altered area
3. at least one accessible restroom for each gender or a single gender-neutral restroom
4. accessible telephones
5. accessible drinking fountains
6. when possible, additional accessible elements such as parking, storage, and alarms

The CBC does not allow this 20% ceiling if construction costs are greater than the current year's **valuation threshold**<sup>53</sup>. The 2019 valuation threshold is \$166,157; however, this amount is subject to annual increases. If the construction budget exceeds the valuation threshold (computed over a three-year period), then all path of travel elements supporting the area of renovation are required to be made accessible regardless of cost. Therefore, the additional amount an agency is required to spend over construction costs for path of travel improvements is limited to 20% if construction costs are below the current valuation threshold. However, if construction costs exceed the valuation threshold, then all supporting path of travel elements

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<sup>52</sup> See DOJ. State and Local Government Facilities: Guidance on the Revisions to 28 CFR 35.151 in Guidance on the 2010 ADA Standards for Accessible Design:  
<https://www.ada.gov/regs2010/2010ADASTandards/Guidance2010ADASTandards.htm#titleII>

<sup>53</sup> 2016 CBC Chapter 2 Valuation Threshold.

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need to be made accessible. Additional information about California's valuation threshold is included in Section 5 of this Plan.

The District is not required to remove barriers identified within a District-owned facility as part of the Transition Plan Update:

- where programmatic modifications can be made to provide an equivalent experience
- where there are nearby and available equivalent accessible features
- where there are no public programs or activities provided at that portion of the site
- when Safe Harbor conditions are met

### **Safe Harbor Provisions**

The 2010 ADA Standards introduced the concept of *safe harbor*, a new exception that allows facilities that were built prior to March 15, 2012 and were in compliance with the 1991 ADA Standards to remain as-is until a public entity plans an alteration to the structural feature. For example, the 1991 ADA Standards allowed 54 inches maximum for a side reach range, while the 2010 ADA Standards lowered the side reach range to 48 inches maximum. Existing items positioned at the 54-inch height would fall under the safe harbor provision until the time of planned alterations if the items were built before March 15, 2012 [28 CFR § 35.150(b)(2)(i)].

*This safe harbor is not a blanket exemption for facilities. If a public entity undertakes an alteration to a primary function area, only the required elements of a path of travel to that area that already comply with the 1991 Standards are subject to the safe harbor. If a public entity undertakes an alteration to a primary function area and the required elements of a path of travel to the altered area do not comply with the 1991 Standards, then the public entity must bring those elements into compliance with the 2010 Standards.*<sup>54</sup>

This exception applies to elements that might otherwise have to be modified under:

- the program access requirement for public entities
- the readily achievable barrier removal requirement for places of public accommodation
- the path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility. If a public entity has constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 ADA Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 ADA Standards solely because of an alteration to a primary function area served by that path of travel.

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<sup>54</sup> DOJ, Title II Regulations Subpart D § 35.151(b)(4)(ii)(C) Path of travel--safe harbor

The 2010 ADA Standards also identify structural elements that do not fall under the safe harbor provision [28 CFR § 35.150(b)(2)(ii)]. District open space preserves, buildings, or trails do not currently include elements that are excluded from safe harbor.

Since it is often difficult to accurately date construction and alteration projects to determine qualifying safe harbor exclusions, District facilities were evaluated using the 2010 ADA Standards.

### **Undue Burden**

The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its services, programs, or activities, would create a hazardous condition resulting in a direct threat to a program participant or others, or would represent an undue financial and administrative burden.

A determination of undue financial or administrative burden can only be made under specified circumstances and procedures and carries with it the obligation of “taking other actions that would ensure, to the maximum extent possible, that individuals with disabilities receive the benefits and services” of the program or activity.<sup>55</sup>

### **Construction Tolerances**

The ADA and the CBC advise on the need for small variations between the standards and the resulting construction feature. The CBC states that all dimensions are subject to conventional industry tolerances except when the requirement is stated as a range with specific minimum and maximum end points.<sup>56</sup>

Application of conventional industry tolerances must be on a case-by-case, project-by-project basis. Predetermined guidelines for construction tolerances could unnecessarily encourage contractors and others to deviate from the access regulations found in the CBC and may wrongfully be viewed by some to have the effect of law.

Conventional building industry tolerances include those for field conditions and those that may be a necessary consequence of a particular manufacturing process. Recognized tolerances are not intended to apply to design work.

The barrier reports available through the District do not reflect the application of construction tolerances. The District will evaluate the application of construction tolerances on a case by case basis when alterations or barrier remediation actions are undertaken.

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<sup>55</sup> Title 28, Chapter 1, § 35.164 Duties

<sup>56</sup> California Department of General Services. *Use of Predetermined Construction Tolerance Guidelines for Accessibility*, IR-11B8, 2011 [https://www.documents.dgs.ca.gov/dsa/pubs/ir\\_11b-8\\_rev01-01-11.pdf](https://www.documents.dgs.ca.gov/dsa/pubs/ir_11b-8_rev01-01-11.pdf)

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## Historic Buildings and Facilities

Alterations to a qualified historic building or facility must comply with the 2010 ADA Standards and the 2016 CBC.<sup>57</sup>

A qualified historic property is one that is listed in or eligible for listing in the National Register of Historic Places or is designated as historic under state or local law.

Barrier removals at District historic properties should be done in full compliance with the alterations standards for other types of buildings to the maximum extent feasible. However, if following the usual standards would threaten or destroy the historic significance of a building or site feature, the following alternative standards (which provide a minimal level of access) may be used:

- an accessible route is only required from one site access point (such as the parking lot)
- a ramp may be steeper than is ordinarily permitted
- the accessible entrance does not need to be the one used by the general public
- only one accessible toilet is required, and it may be gender neutral
- accessible routes are only required on the level of the accessible entrance
- displays and written information should be located where they can be seen by a seated person

The decision to use alternative standards for that feature must be made in consultation with the appropriate historic advisory board and interested persons should be invited to participate in the decision-making process.

If complying with even these minimal alternative requirements will threaten or destroy the historic significance, the District need not make the structural changes required by federal, state, and local regulations. If structural modifications that comply with accessibility standards cannot be undertaken, the District is required to provide program accessibility.

Additional information for barrier removals at historic buildings and sites can be found in the *Resources* section of this Plan.

## Conditions for Exception for Outdoor Developed Areas Addressed by the ABA

The 2015 ABA Standards that address outdoor developed areas (including viewing areas, recreational trails, and outdoor constructed features) recognize the existence of constraints and limitations in the outdoor environment. It allows for exceptions from specific provisions in its **technical standards** where certain circumstances, referred to as *conditions for exceptions*, apply.

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<sup>57</sup> Title 28, Chapter 1, § 35.151 (b), ADAAG at 36 CFR part 1191, Section 4.1.7 Accessible Buildings: Historic Preservation, and CCR, Title 24, Part 8, 2016 California Historical Building Code.

Although not yet adopted as standards under the ADA and thus, not explicitly binding on the District, it is recommended that the District use these conditions for exception as guidance when evaluating the practicability of implementing accessibility design provisions. The conditions for exceptions should be used only after all other design options are thoroughly explored.

As new trails are constructed, existing trails are altered, or physical barriers are identified at existing Easy Access Trails, the District will strive to provide trail facilities that meet technical standards for accessible trails in the 2015 ABA Standards. The 2015 ABA Standards recognize full compliance with the trail standards is not always possible due to site constraints and provides four conditions for exception that allow deviation from the technical requirements.

Should the District determine that any of the conditions for exceptions do not permit full compliance with a specific provision in the technical requirements of the 2015 ABA Standards, compliance with that provision is recommended to the extent practicable. The phrase *to the extent practicable* means reasonably doable under the circumstances. Where a condition for exception applies to only part of a trail or an outdoor recreation access route, the rest of the trail or route must comply with all the technical requirements for the trail or route.

Exceptions to specific provisions are permitted when a public entity determines that any of the following conditions does not permit full compliance with the provision.<sup>58</sup>

- **Compliance is not practicable due to terrain**  
For example, where a trail is constructed in a steeply sloped area, compliance with the running slope provision may not be practicable on parts of the trail where it would require extensive cuts or fills that are difficult to construct and maintain, cause drainage and erosion problems, significantly lengthen the trail, and create other adverse environmental impacts.
- **Compliance cannot be accomplished with the prevailing construction practices**  
This condition does not require the use of construction equipment or methods other than those typically used in a setting type. For example, where hand tools would normally be used to construct a trail to minimize the impact on a sensitive adjacent stream and the prevailing construction practices for this setting type do not include blasting, blasting does not have to be used to remove a rock outcrop to comply with the clear-tread-width provision. Compliance with the clear-tread-width provision is required to the extent that it can be accomplished using hand tools. Prevailing construction practices are those used by most contractors or designers faced with the same or similar projects in the area. Preferences or practices used by a single contractor or designer are not necessarily prevailing construction practices.

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<sup>58</sup> US Access Board. A Summary of Accessibility Standards for Federal Outdoor Developed Areas. Conditions for Exceptions [1019]. 2014.

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- **Compliance would fundamentally alter the function or purpose of the facility or the setting**

This condition recognizes that public lands provide a wide variety of recreational experiences, from highly developed areas to wilderness areas that appear unchanged from primeval times and provide opportunities for people to experience primitive and challenging conditions. The condition applies where compliance with specific provisions in the technical requirements would fundamentally alter the function or purpose of the facility or the setting. For example, people using primitive trails experience the outdoor environment in a nearly natural state, with limited or no development. Use of manufactured building materials or engineered construction techniques to comply with specific provisions in the technical requirements for such trails could fundamentally alter the natural or undeveloped nature of the setting and change the recreational experience. Trails that are intended to provide a rugged experience, such as a cross-country training trail with a steep grade, a fitness challenge course with abrupt and severe changes in elevation, and a trail that traverses boulders and rock outcroppings to provide users with the opportunity to climb the rocks, are other examples. To remove the obstacles on these trails or to reroute the trails around the obstacles would fundamentally alter the function or purpose of the trails.

- **Compliance is limited or precluded by any of the following laws, or by decisions or opinions issued or agreements executed pursuant to any of the following laws:**

- Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.)
- National Environmental Policy Act (NEPA; 42 U.S.C. § 4321 et seq.)
- National Historic Preservation Act (54 U.S.C. § 300101 et seq.)
- Wilderness Act (16 U.S.C. § 1131 et seq.)
- other federal, state, or local law (including CEQA) related to **resource impacts**, the purpose of which is to preserve threatened or endangered species; the environment; or archaeological, cultural, historical, or other significant natural features

The laws specified in this condition for exception prescribe certain activities or require certain analyses to be prepared or procedures to be followed for planning projects that may impact features protected under the laws. The condition does not require full compliance with a specific provision in the ABA technical requirements where compliance is limited or precluded by the laws, or by decisions or opinions issued or agreements executed pursuant to the laws.

### ***Documenting Use of the Conditions for Exceptions***

If the District identifies site constraints that meet the conditions for exception during the trail planning process, it is recommended that project staff review the terms of the exception with the District's ADA Coordinator and that the evaluation of the criteria be documented and maintained with the project records.

### ***Exemptions for an Entire Trail***

When there are extreme site constraints or the conditions for exceptions will apply to many segments of a trail and make it impractical to construct the trail in compliance with the technical requirements, the 2015 ABA Standards provide an exemption for the entire trail. The exemption for an entire trail may only be used once the conditions for exceptions have been applied to many individual portions of the trail. When determining whether to exempt an entire trail, the District must consider the portions of the trail that can and cannot comply with specific provisions in the technical requirements and the extent of compliance where full compliance cannot be achieved.

# 5. Resources

## 5.1 California and National Organizations Supporting People with Disabilities

### ***Bay Area Outreach and Recreation Program (BORP)***

3075 Adeline Street, Suite 155

Berkeley, CA 94703-2545

<http://www.borp.org>

telephone: (510) 849-4663

BORP is headquartered in Berkeley, California and is a leading provider and promoter of accessible sports and recreation opportunities for children and adults with physical disabilities in the greater San Francisco Bay Area. In addition to high-quality innovative sports and recreation programs, expert staff provide advocacy, trainings, referrals and consultation services and have helped initiate adaptive sports programs in several other cities across the state. BORP also conducts disability awareness trainings and adaptive sports exhibitions for a variety of community agencies and serves as a valuable resource to physical therapists, rehabilitation hospitals, parks and recreation departments, and related organizations. The non-profit organization Access Northern California (ANC) became a BORP program in 2017.

### ***Environmental Traveling Companions (ETC)***

Fort Mason Center, 2 Marina Blvd. Bldg. C

San Francisco, CA 94123

<http://www.etctrips.org/>

telephone: (415) 474-7662

ETC opens the beauty and challenge of the great outdoors to people with disabilities and under-resourced youth. Every year, more than 3,000 people join ETC to raft whitewater rivers, ski alpine meadows, kayak the waters of the Golden Gate and Tomales Bay, and build leadership skills. ETC trips enable participants to access the wilderness and develop an environmental stewardship ethic. Since 1972, ETC has shared outdoor adventures with disadvantaged youth and people of all ages, including those with visual or hearing-impairments, physical or developmental disabilities, and life-threatening illnesses.

### ***Marin County Parks***

<https://www.marincountyparks.org/depts/pk/our-work/os-main-projects/inclusive-access-plan>

In 2016 Marin County Parks developed its first ***Inclusive Access Plan*** to increase the overall equitability of access to County open space and give visitors increased flexibility in how they make use of the preserves according to their own abilities. The ***Inclusive Access Plan*** provides a process for identifying opportunities to improve access to the District's preserve trail system for all users regardless of their abilities or age. The Plan documents are available for download from the web page above.



### ***Healing Waters Wilderness Adventures***

<http://www.hwaters.org/>

Provides outdoor trips specifically for people with HIV and AIDS.

### ***Shared Adventures – Santa Cruz***

<http://www.sharedadventures.org/>

Founded on the belief that recreation, fun, challenge, access to the outdoors are an essential part of a healthy and fulfilling life, Shared Adventures is a non-profit organization dedicated to improving the quality of life of people living with disabilities.

### ***TDI Online***

<http://www.tdi-online.org/>

TDI's mission is to promote equal access in telecommunications and media for people who have hearing loss, are deaf, late deafened, or deaf blind. TDI encourages accessible applications of existing and emerging technologies in all sectors of the community, advises on promotes the uniformity of standards for telecommunications and media technologies and networks and collaborates with other disability organizations, government, industry, and academia.

### ***Access Northern California***

[www.accessnca.org](http://www.accessnca.org)

Access Northern California is an online resource that provides information on the accessibility of outdoor recreation opportunities. The site provides links to locations around Northern California and descriptions of existing conditions to help inform potential users of what they can expect from the location.

### ***Wheelchair Rider's Guide to the California Coast***

<http://www.wheelingcalscoast.org/>

*Wheelchair Rider's Guide to the California Coast* is an online resource that provides information on outdoor adventures for wheeled mobility device riders, parents pushing strollers, and others who need accessibility features such as a wide, fairly level, and firm pedestrian route. The website helps users choose the destinations that suit their needs from among the coast's many parks, trails, beaches, viewpoints, and other sites of interest that are accessible to wheeled mobility devices. It also provides links to resources for accessible travel guides, guided hikes and outings, and organizations serving park and trail users with disabilities.

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## 5.2 Guidance Documents and Organizations—General

AbleData (assistive technology)

<https://abledata.acl.gov/>

ADA National Network. A Planning Guide for Making Temporary Events Accessible to People with Disabilities. 2015.

<https://adata.org/publication/temporary-events-guide>

American Bar Association Commission on Disability Rights. Planning Accessible Meetings and Events. 2015.

[https://www.americanbar.org/content/dam/aba/administrative/mental\\_physical\\_disability/Accessible\\_Meetings\\_Toolkit.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf)

American Trails, California Trail Resources

<https://www.americantrails.org/state-resources?state=california>

Disabled Sports USA

<https://www.disabledsportsusa.org/>

Federal Communications Commission (FCC)

Telecommunications Access for People with Disabilities. 2017.

<http://transition.fcc.gov/cgb/consumerfacts/section255.pdf>

Telecommunications Relay Service – TRS. 2017.

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>

Minnesota Department of Natural Resources, Trails and Waterways Division. Trail Planning, Design, and Development Guidelines. 2007

[http://www.dnr.state.mn.us/publications/trails\\_waterways/index.html](http://www.dnr.state.mn.us/publications/trails_waterways/index.html)

National Association of the Deaf (NAD). TTY and TTY Relay Services.

<https://www.nad.org/resources/technology/telephone-and-relay-services/tty-and-tty-relay-services/>

National Center on Accessibility. Indiana University, Bloomington.

<http://www.ncaonline.org/>

National Center on Physical Activity and Disability. What to Know Before You Go: The Big Questions to Ask Before Arriving at Your *Accessible* Recreation Destination.

<https://www.nchpad.org/277/1750/What~to~Know~Before~You~Go~~The~Big~Questions~to~Ask~Before~Arriving~at~Your~~Accessible~~Recreation~Destination>

Pacific ADA Center

<http://www.adapacific.org/>

San Francisco, City and County. Accessible Public Event Checklist. 2018.

<http://sfgov.org/mod/accessible-public-event-checklist>

Skulski, Jennifer and Gary Robb. Program Access: Beyond Bricks and Mortar. National Center on Accessibility, Indiana University, Bloomington. 2006.

<http://www.ncaonline.org/resources/articles/program-access.shtml>

U.S. Department of Agriculture, Forest Service. Accessibility Guidebook for Outdoor Recreation and Trails. 1223-2806P. 2012.

<https://www.fs.fed.us/recreation/programs/accessibility/pubs/htmlpubs/htm12232806/index.htm>

U.S. Department of Agriculture, Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG). E6-7775. 2013.

[https://www.fs.fed.us/recreation/programs/accessibility/FSORAG\\_2013%20Update.1.pdf](https://www.fs.fed.us/recreation/programs/accessibility/FSORAG_2013%20Update.1.pdf)

U.S. Department of the Interior, National Park Service: Rivers, Trails and Conservation Assistance Program

<http://www.nps.gov/orgs/rtca/index.htm>

## **5.3 Resources for ADA Coordinators**

### **ADA Coordinator Roles and Responsibilities**

#### ***Characteristics of an Effective ADA Coordinator***

- familiarity with the District's structure, activities, and employees
- knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Sections 504 and 508 of the Rehabilitation Act, 29 U.S.C. § 794
- expertise in ADA regulations, standards, and guidelines for accessible design and all other applicable municipal, county, state, and federal disability nondiscrimination requirements
- experience with people with a broad range of disabilities
- ability to work cooperatively within the District, with its partners, and with people with disabilities
- familiarity with local disability advocacy groups or other disability groups
- skills and training in negotiation and mediation
- organizational and analytical skills
- communication skills

#### ***Typical Roles and Responsibilities of an ADA Coordinator***

- establishing, overseeing, and coordinating implementation of grievance procedures
- conducting self-evaluation plans
- coordinating the implementation of transition plans
- monitoring and tracking ongoing progress

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- reviewing the accessibility of new public access improvements
  - communicating policy to the public and within the District
  - coordinating ADA-related activities among District departments
  - identifying and utilizing appropriate resources
  - providing staff training and up-to-date information regarding the intent and application of ADA regulations, guidelines, and enforcement
  - determining the use of District resources, particularly in resolving complaints and providing reasonable modifications
  - consult with the relevant program or department staff to determine an acceptable response to a request for a reasonable modification.
  - coordinating District programs and tools for **effective communication**
  - work with local community resources, such as organizations representing people with disabilities, to provide guidance in making the District’s Emergency Preparedness and Response Program accessible to people with disabilities

### **Resources**

- National Association of ADA Coordinators: <http://adacoordinators.org/>
- ADA Coordinator Training Certification Program [www.adacoordinator.org](http://www.adacoordinator.org)
- DOJ, Civil Rights Division, Disability Rights Section. “ADA Requirements: Effective Communication.” 2014. <https://www.ada.gov/effective-comm.htm>

### **ADA Notice Requirements**

The District must publicize its efforts to comply with the ADA and provide public notice of the ADA’s provisions as they apply to District services, programs, and activities. There are three main considerations for providing notice that should be considered by the District.

1. **Who is the target audience for the ADA notice?** The target audience for public notice includes applicants, beneficiaries, and other people interested in the District’s programs, activities, or services. The audience is expansive and includes everyone who interacts – or would potentially interact – with the District, such as a person who uses a trail or wants to participate in a meeting.
2. **What information should the notice include?** The notice is required to include relevant information regarding title II of the ADA and how it applies to the District’s programs, services, and activities. An effective *Notice Under the Americans with Disabilities Act* would include brief statements about employment; effective communication; making reasonable modifications to policies and programs; the availability of modifications or auxiliary aids and services without charge; how to file a complaint; and contact information for the ADA Coordinator.
3. **Where and how should the notice be provided?** The head of each department in consultation with the ADA Coordinator is obligated to determine the most effective ways of providing notice, on an ongoing basis, to the public about their rights and the public

entity's responsibilities under the ADA. The information must be effectively communicated so that it is accessible to all. Examples of alternative formats for providing notice include audiotape or other recordings, radio announcements, large-print format or braille notice, use of a qualified sign language interpreter at meetings, open or closed captioned public service announcements on television, HTML format on accessible websites and ASCII, HTML, or word processing format on CDs.

Including a *welcoming statement* to members of the public with and without disabilities in general program brochures, other marketing literature, or web pages is not required by the ADA. However, a statement such as the following example for a recreation agency offers a direct and open approach toward the inclusion of people with disabilities in an agency's programs and creates greater awareness of an agency's inclusive programs and services.

*The Midpeninsula Regional Open Space District is committed to the spirit and intent of the Americans with Disabilities Act. We will make every effort to ensure that people of all ages and abilities are fully included in our recreation programs, facilities, and preserves. For questions about our accessibility program or how we may best meet your needs in our programs, please call our ADA Coordinator at 650-691-1200.*

Additional information and recommendations about preparing and publicizing a policy of nondiscrimination based on disability are discussed in the *Notice Requirements* section of this Plan.

### **Resources**

- Model Notice Under the Americans with Disabilities Act. Chapter 2. ADA Coordinator, Notice and Grievance Procedure. In *ADA Best Practices Tool Kit for State and Local Governments*: <https://www.ada.gov/pcatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

### **ADA Grievance Procedure**

Agencies with 50 or more employees, such as the District, must develop and publish grievance procedures to provide fair and prompt resolution of complaints under the administrative requirements of title II of the ADA.

### **Resources**

- Model *Grievance Procedure Under the Americans with Disabilities Act*. Chapter 2. ADA Coordinator, Notice & Grievance Procedure. In *ADA Best Practices Tool Kit for State and Local Governments*: <https://www.ada.gov/pcatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>
- Northwest ADA Center Grievance Procedure <http://nwadacenter.org/toolkit/grievance-procedure>

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## 5.4 Guidance Documents and Articles—Web Design

### *State of California*

The California Department of Education (CDE) adopted its first set of accessibility standards in 2001, which were based almost entirely on the Version 1.0 Checkpoints from the W3C WCAG. In 2003, the State of California enacted Government Code (GC) Section 11135, requiring all its agencies and departments to comply with federal Section 508. In 2006 the State adopted accessibility standards for web design that apply to all State of California public Internet web sites for state organizations that report to the Governor and State Chief Information Office (CIO) and which were offered as a resource to other constitutional offices as they work to make their public web sites accessible. The recommends are available for download at. Effective November 1, 2007, all California departments and agencies reporting to the Governor were requested to comply with ca.gov design, accessibility, and usability standards and best practices as included in a policy notice issued in 2007.

- California Department of Education Web Accessibility Standards.  
<https://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

### *Utah State University, Center for Persons with Disabilities, WebAIM*

WebAIM (Web Accessibility In Mind) has provided comprehensive web accessibility solutions since 1999. WebAIM is a non-profit organization based at the Center for Persons with Disabilities at Utah State University. Documents and training materials, including the following publications, can also be downloaded from WebAIM website (<http://www.webaim.org/>).

- Color Contrast Checker. <https://webaim.org/resources/contrastchecker/>
- Web Accessibility Evaluation Tool (WAVE). <http://wave.webaim.org/>
- Section 508 Checklist. <https://webaim.org/standards/508/checklist>
- Web Accessibility for Designers. <https://webaim.org/resources/designers/>

### *Web Accessibility Initiative (WAI)*

WAI develops guidelines widely regarded as the international standard for Web accessibility, support materials to help understand and implement Web accessibility, and resources, through international collaboration. The Web Content Accessibility Guidelines (WCAG) was developed with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally. Documents and training materials, including the following publications, can also be downloaded from the WAI website (<https://www.w3.org/WAI/> ).

- Caldwell, Ben, Michael Cooper, Loretta Guarino Reed, and Gregg Vanderheiden (eds.) Web Content Accessibility Guidelines (WCAG) 2.0. 2008.  
<https://www.w3.org/TR/WCAG20/>

### ***U.S. General Services Administration (GSA), Technology Transformation Services***

The GSA provides a guide for embedding accessibility into web development. The Accessibility for Teams tool describes many different inclusive website design practices, providing both a framework for understanding website accessibility as well as design strategies and resources.

<https://accessibility.digital.gov/>

## **5.5 Guidance Documents and Articles—Signage**

American Printing House for the Blind, Inc. (APH). APH Tactile Graphic Image Library.

<http://www.aph.org/tgil/>

Arditi, Aries. Effective Color Contrast: Designing for People with Partial Sight and Color Deficiencies. 2005 <http://li129-107.members.linode.com/accessibility/design/accessible-print-design/effective-color-contrast/>

California Department of Parks and Recreation. California State Parks Accessibility Guidelines. 2015.

[http://www.parks.ca.gov/pages/1008/files/2015\\_california\\_state\\_parks\\_accessibility\\_guidelines.pdf](http://www.parks.ca.gov/pages/1008/files/2015_california_state_parks_accessibility_guidelines.pdf)

Cooper, Michael, Andrew Kirkpatrick, and Joshue O Connor (eds). “G18: Ensuring that a contrast ratio of at least 4.5:1 exists between text (and images of text) and background behind the text.” Techniques for WCAG 2.0. W3C Working Group Note. October 2016.

<https://www.w3.org/TR/WCAG20-TECHS/G18.html>

Luminant Design LLC. Signage and the 2010 ADA Standards v2.1. 2011.

<http://www.luminantdesign.com/ada.html>

San Francisco Bay Conservation and Development Commission (BCDC). Shoreline Signs: Public Access Signage Guidelines. 2005. <http://www.bcdc.ca.gov/pdf/planning/SSSG.pdf>

Society for Experiential Graphic Design (SEGD). Signage Requirements in the 2010 Standards for Accessible Design. 2012.

[https://segd.org/sites/default/files/SEGD\\_2012\\_ADA\\_White\\_Paper\\_Update.pdf](https://segd.org/sites/default/files/SEGD_2012_ADA_White_Paper_Update.pdf)

### ***U.S. Department of the Interior, National Park Service***

Harpers Ferry Center Accessibility Committee

Harpers Ferry Center (HFC) serves as the Interpretive Design Center for the National Park Service. HFC works to ensure that the highest level of accessibility that is reasonable is incorporated into all aspects of interpretive media, planning, design, and construction. This includes ensuring that all new interpretive media are provided in such a way as to be accessible to and usable by all persons with a disability. It also means all existing practices and procedures are evaluated to determine the degree to which they are currently accessible to all visitors, and modifications are made to assure conformance with applicable laws and regulations. The HFC

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website (<http://www.nps.gov/hfc/accessibility/>) includes accessibility resources, guidelines, and updates, Department of the Interior Section 504, photographs of best practices, and more.

- Wayside Exhibits: A Guide to Developing Outdoor Interpretive Exhibits. 2009. <https://www.nps.gov/subjects/hfc/upload/Wayside-Guide-First-Edition.pdf>

## 5.6 Guidance Documents and Articles—Creating Accessible Documents

Adobe. Creating Accessible Adobe PDF Files, A Guide for Document Authors.

Adobe. Create and verify PDF accessibility (Acrobat Pro).

American Council of the Blind (ACB). Best Practices and Guidelines for Large Print Documents used by the Low Vision Community. 2011. <http://acb.org/large-print-guidelines>

Braille Authority of North America and the Canadian Braille Authority. Guidelines and Standards for Tactile Graphics (Web Version). 2012. <http://www.brailleauthority.org/tg/web-manual/tgmanual.html>

GSA Government-wide Section 508 Accessibility Program: Create Accessible Electronic Documents (A compilation of federal guidance, checklists, and testing information for creating and maintaining accessible documents in various popular electronic formats, including Word, PDF, Excel, and PowerPoint). <https://www.section508.gov/create/documents>. Guidance from the Accessible Electronic Document Community of Practice (AED COP) on creating and testing accessible MS Word documents.

National Federation of the Blind. Braille Transcription Resource List. <https://nfb.org/braille-transcription-resource-list>

Smithsonian Institution. Smithsonian Guidelines for Accessible Publication Design. 2001. <https://www.si.edu/Content/Accessibility/Publication-Guidelines.pdf>

Social Security Administration, Accessibility Resource Center (SSA-ARC). SSA Guide: Producing Accessible Word and PDF Documents, Version 2.1. 2010. [https://www.ssa.gov/accessibility/files/The\\_Social\\_Security\\_Administration\\_Accessible\\_Document\\_Authoring\\_Guide\\_2.1.2.pdf](https://www.ssa.gov/accessibility/files/The_Social_Security_Administration_Accessible_Document_Authoring_Guide_2.1.2.pdf)

Sutton, Jennifer. A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired. 2002. <http://www.sabeusa.org/wp-content/uploads/2014/02/A-Guide-to-Making-Documents-Accessible-to-People-Who-are-Blind-or-Visually-Impaired.pdf>



## 5.7 Guidance Documents—Historic Properties

California Department of Parks and Recreation Office of Historic Preservation.  
[http://ohp.parks.ca.gov/?page\\_id=21410](http://ohp.parks.ca.gov/?page_id=21410)

2016 California Historical Building Code (CHBC). California Code of Regulations, Title 24, Part 8.  
<http://ohp.parks.ca.gov/pages/1074/files/2016%20CA%20CHBC.pdf>

California Preservation Foundation. 2016. The California Historic Building Code (CHBC) and the Americans with Disabilities Act (ADA) in Historic Buildings and Sites.  
<https://californiapreservation.org/events/chbc-ada/>

DOJ. Civil Rights Division. “Common Questions about Title II of the Americans with Disabilities Act (ADA)”.  
<https://www.ada.gov/pubs/t2qa.txt>

Jester, Thomas C and Sharon C. Park. 1993. Technical Preservation Brief 32: Making Historic Properties Accessible. U.S. Department of the Interior, National Park Service  
<https://www.nps.gov/tps/how-to-preserve/briefs/32-accessibility.htm>

## 5.8 Guidance Documents and Organizations—Emergency Preparedness Planning for People with Access and Functional Needs

Emergency Management Institute (EMI)  
<http://training.fema.gov/EMI/>

FEMA, U.S. Department of Homeland Security, FEMA. Fact Sheet: Access and Functional Needs Support. 2018.  
<https://www.fema.gov/media-library/assets/documents/94708>

Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (ICC)  
<https://www.fema.gov/media-library/assets/documents/111940>

National Council on Disability (NCD)  
<http://www.ncd.gov/>

National Institute on Disability and Rehabilitation Research (NIDRR)  
<https://www.ed.gov/category/program/national-institute-disability-and-rehabilitation-research>

National Park Service, U.S. Department of the Interior. 2017. Long Range Transportation Plan: Traveler Information

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[https://www.nps.gov/orgs/1548/upload/National Long Range Transportation Plan 508-Compliant-for-WEB July 2017.pdf](https://www.nps.gov/orgs/1548/upload/National_Long_Range_Transportation_Plan_508-Compliant-for-WEB_July_2017.pdf)

National Park Service. "Fire Prevention 52: Fire Safety for People with Disabilities."

<https://www.nps.gov/articles/p52-fire-safety-for-people-with-disabilities.htm>.

National Fire Protection Association. "Emergency Evacuation Planning Guide for People with Disabilities." 2016

<https://www.nfpa.org/-/media/Files/Public-Education/By-topic/Disabilities/EvacuationGuidePDF.ashx?la=en>

San Mateo County Alert System, Sheriff's Office of Emergency Services

<http://hsd.smcsheriff.com/smcalert>

San Mateo County Office of Emergency Services

<https://www.smchealth.org/emergency-preparedness>

Santa Clara County Office of Emergency Services

<https://www.sccgov.org/sites/OES/Pages/home.aspx>

State of California, Governor's Office of Emergency Services (Cal OES), Office of Access and Functional Needs Library. Includes links to current access and functional needs-related planning resources for providing emergency services for people with disabilities.

<http://www.caloes.ca.gov/cal-oes-divisions/access-functional-needs/afn-library>

## **5.9 Federal, State, and Local Laws, Standards, and Ordinances**

The following are resources for state and federal regulations for accessible facilities.

### ***U.S. Department of Justice, Civil Rights Division, Disability Rights Section***

The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large-print format, audiotape, braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the Department of Justice website (<http://www.ada.gov/>).

- Americans with Disabilities Act (ADA) Title II Regulations: Nondiscrimination on the Basis of Disability in State and Local Government Services. 2010.  
[https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.pdf](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf)
- 2010 ADA Standards for Accessible Design. 2010.  
[www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm](http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm)

- Accessibility of State and Local Government Websites to People with Disabilities. 2003. [https://www.ada.gov/websites2\\_prnt.pdf](https://www.ada.gov/websites2_prnt.pdf)
- ADA Best Practices Tool Kit for State and Local Governments. 2008. <https://www.ada.gov/pca toolkit/about toolkit.htm>
- ADA Requirements: Effective Communication. 2014. <https://www.ada.gov/effective-comm.pdf>
- ADA Requirements: Service Animals. 2010. [https://www.ada.gov/service\\_animals\\_2010.pdf](https://www.ada.gov/service_animals_2010.pdf)
- Frequently Asked Questions about Service Animals and the ADA. 2015. [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)
- ADA Requirements: Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices. 2014. <https://www.ada.gov/opdmd.pdf>
- An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities. 2008. <https://www.ada.gov/emergencyprepguide.htm>
- DOJ. ADA Update: A Primer for State and Local Government. 2015, available at [https://www.ada.gov/regs2010/titleII\\_2010/title\\_ii\\_primer.html](https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html)

### ***U.S. Access Board—Architectural and Transportation Barriers Compliance Board***

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available free and can be downloaded or ordered by completing a form available on the Access Board’s website (<http://www.access-board.gov/>). In addition to regular print, publications are available in: large-print format; disk; audiocassette; and braille.

- ADA and ABA Accessibility Guidelines (ADAAG), (*36 CFR Parts 1190 and 1191*). Final Rule published in the Federal Register, July 23, 2004; as amended through May 7, 2014. <https://www.access-board.gov/attachments/article/412/ada-aba.pdf>
- Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines, Correction. Final Rule published in the Federal Register, November 12, 2013. <https://www.federalregister.gov/documents/2013/11/12/2013-26780/americans-with-disabilities-act-ada-accessibility-guidelines-for-buildings-and-facilities>
- Architectural Barriers Act (ABA). Pub. L. 90–480 (*42 U.S.C. §§4151 et seq.*). 1968. <https://www.access-board.gov/the-board/laws/architectural-barriers-act-aba>
- Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas (AGODA) (*36 CFR Part 1191*). Final Rule published in the Federal Register, September 26, 2013. <https://www.access-board.gov/attachments/article/1500/outdoor-rule.pdf>
- Architectural Barriers Act (ABA) Standards. 2015. <https://www.access-board.gov/attachments/article/1029/ABAstandards.pdf>
- Electronic and Information Technology Accessibility Standards; (*36 CFR Part 1194*). Final Rule published in the Federal Register, December 21, 2000. [https://www.access-board.gov/attachments/article/523/508standards\(1\).pdf](https://www.access-board.gov/attachments/article/523/508standards(1).pdf)

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- Guidance on Use of the International Symbol of Accessibility Under the Americans with Disabilities Act and the Architectural Barriers Act. 2017. <https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>
  - Information and Communication Technology (ICT) Final Standards and Guidelines (36 CFR Parts 1193 and 1194). Final Rule published in the Federal Register, January 18, 2017. <https://www.access-board.gov/attachments/article/1877/ict-rule.pdf>
  - Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas. May 2014. <https://www.access-board.gov/attachments/article/1637/outdoor-guide.pdf>
  - Telecommunications Act Accessibility Guidelines. Final Rule published in the Federal Register, February 3, 1998. <https://www.access-board.gov/attachments/article/1067/255rule.pdf>

### ***State of California***

- **Department of General Services, California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). 2016.** <http://www.bsc.ca.gov/Codes.aspx>

The State of California has also adopted a set of design guidelines for accessible facilities, which can be found in the California Code of Regulations, Title 24, Part II, California Building Standards Code (CBC). CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. Although California has adopted most of the ADAAG requirements, there are some differences. In general, the more restrictive requirement (whether federal or state) should be applied when designing accessible facilities. The complete Title 24 or any of its parts is available for purchase from the International Code Council (ICC), 5360 Workman Mill Road, Whittier, CA 90601, (800) 423-6587, (<http://www.iccsafe.org>) or at various bookstores that carry technical books. The CBC is updated every three years and an ongoing program of regularly reviewing these changes and updating policies and procedures related to accessibility to keep them current is recommended.

- **Department of Parks and Recreation. California State Parks Accessibility Guidelines. 2015.**

[http://www.parks.ca.gov/pages/1008/files/2015\\_california\\_state\\_parks\\_accessibility\\_guidelines.pdf](http://www.parks.ca.gov/pages/1008/files/2015_california_state_parks_accessibility_guidelines.pdf)

The Accessibility Guidelines are intended as a reference manual and department policy on accessible design that provide guidance for common uses in the State Park System. They are utilized in planning and implementing regular maintenance activities, construction projects, and in the development of presentations, publications, exhibits, new programs and special events. The Accessibility Guidelines are authorized for use throughout California State Parks, including the Off Highway Motor Vehicle Recreation

Division, the Division of Boating and Waterways, concessionaires, cooperating associations and locally operated parks.

- **Division of State Architect (DSA). 2016 California Access Compliance Advisory Reference Manual. 2016.**

[https://www.documents.dgs.ca.gov/dsa/pubs/2016CBC\\_Advisory\\_Manual.pdf](https://www.documents.dgs.ca.gov/dsa/pubs/2016CBC_Advisory_Manual.pdf)

The purpose of this book of regulations and statutes together is to clarify the obligations for architectural accessibility in California.

- **2019 Valuation Threshold for Alterations, Structural Repairs or Additions to Existing Buildings** <http://www.dgs.ca.gov/dsa/Programs/progAccess/threshold.aspx>

The annual valuation threshold is based on the January 1981 threshold of \$50,000.00 as adjusted using the ENR 20 Cities Construction Cost Index, and as published by Engineering News-Record, McGraw-Hill Publishing Company, for January of each year. In accordance with the 2016 CBC Chapter 2 definition of VALUATION THRESHOLD, the 2019 valuation threshold is \$166,157 and will be updated again in January 2020.

### ***Sensitive Resource Protection***

- California Department of Fish and Wildlife. California Environmental Quality Act (CEQA). (California Public Resources Code, Sections 21000 - 21178, and Title 14 CCR, Section 753, and Chapter 3, Sections 15000 - 15387).  
<https://www.wildlife.ca.gov/Conservation/CEQA/Purpose>
- California Department of Parks and Recreation Office of Historic Preservation. California State Law and Historic Preservation: Statutes, Regulations and Administrative Policies Regarding the Preservation and Protection of Cultural and Historical Resources. Technical Assistance Services #10. 2005.  
<http://ohp.parks.ca.gov/pages/1069/files/10%20comb.pdf>
- U.S. Fish and Wildlife Service. Endangered Species Act (16 U.S.C. 1531 et seq.)  
<https://www.fws.gov/endangered/laws-policies/>
- U.S. Environmental Protection Agency. National Environmental Policy Act (42 U.S.C. 4321 et seq.) <https://www.epa.gov/nepa>
- U.S. Department of the Interior, National Park Service. National Historic Preservation Act (16 U.S.C. 470 et seq.) <https://www.nps.gov/history/local-law/nhpa1966.htm>
- U.S. Department of the Interior, National Park Service. Wilderness Act (16 U.S.C. 1131 et seq.) <https://wilderness.nps.gov/document/wildernessAct.pdf>

## 5.10 People-First Language

The District is responsible for ensuring that all public communication uses language that is appropriate and respectful, including when speaking or referring to people with disabilities. People-first language emphasizes the person first, not the disability. The following are suggestions and additional resources.

**Table 5.1. People-First Language**

People-First Language)	Language to Avoid
Person with a disability	The disabled, handicapped, victim, defective, deformed
Person without a disability	Normal person, healthy person
Person with an intellectual, cognitive, developmental disability	The mentally, developmentally disabled, retarded, moron, imbecile, idiot
Person with an emotional or behavioral disability, person with a mental health or psychiatric disability	Afflicted or special person, insane, crazy, psycho, maniac
Person who is deaf	Deaf and dumb, deaf-mute
Persons who have hearing loss	Hearing impaired
Person who is blind / has low vision	Sight impaired
Persons with speech or language disabilities	Speech impaired, mute
Person who uses a wheeled mobility device	Confined or restricted to a wheelchair, wheelchair bound
Person with a physical disability	Invalid, cripple, lame
Person with limited literacy skills	Functionally illiterate
Accessible parking or restroom	Handicap or handicapped parking or restroom

### Resources

- Communicating with and about People with Disabilities. [https://www.cdc.gov/ncbddd/disabilityandhealth/pdf/disabilityposter\\_photos.pdf](https://www.cdc.gov/ncbddd/disabilityandhealth/pdf/disabilityposter_photos.pdf)
- National Association of the Deaf. <https://www.nad.org/>
- American Speech-Language-Hearing Association. <http://www.asha.org/>
- National Assessment of Adult Literacy (NAAL). <https://nces.ed.gov/naal/literacytypes.asp>

## 5.11 Service Animal Policies

The District has a service animal policy (<https://www.openspace.org/what-to-do/activities/dogs>). The following considerations are provided for the implementation and any future updating of that policy.

Service animals provide valuable and sometimes life-saving services to their owners. While most people are familiar with guide dogs for people with visual disabilities, many people with a variety of disabilities use service animals to assist with everyday life.

In 2010, the ADA updated regulations covering service animals. The new definition limits animals to dogs, but also includes miniature horses when conditions are appropriate as follows.

*A service animal is any dog [or miniature horse] that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.<sup>59</sup>*

Individuals with disabilities can bring their service animals into all areas of public facilities where members of the public and program participants are allowed with the following limitations.

- The ADA does not require covered entities to modify policies, practices, or procedures if it would fundamentally alter the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.
- Policies may consider excluding service animals in habitats that are especially vulnerable or sensitive to predator species. Wildlife cannot tell the difference between a pet dog and a service animal; for example, many species sense dogs as predators and expend valuable energy to flee or seek cover.
- If the District properly excludes a service animal under Title 28, Chapter 1 § 35.136(b), it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- The task(s) performed by the service animal must be directly related to the person's disability.
- The service animal must be trained to take a specific action when needed to assist the person with a disability. The animal does not have to be professionally trained by others.

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<sup>59</sup> ADA National Network. 2017. Service Animals. <https://adata.org/factsheet/service-animals>

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- Emotional support or companion dogs and animals are not considered service animals under the ADA or California state law
  - District staff may ask only two specific questions:
    1. Is the animal a service animal required because of a disability? and
    2. What work or task has the animal been trained to perform?
  - The ADA does not require service animals to wear a vest, ID tag, or specific harness.
  - Individuals who have service animals are not exempt from local animal control or public health requirements.
  - Service animals are subject to local dog licensing and registration requirements.

Emotional support animals, including dogs that provide comfort just by being with a person, are not considered service animals. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. While the California Department of Fair Employment and Housing does recognize emotional support animals in certain situations like housing and employment, California state law does not recognize emotional support animals as service animals for accommodation in public places.

The ADA makes a distinction between psychiatric service animals and emotional support animals. For example, if a dog has been trained to sense that an anxiety attack is about to happen and then take a specific action to help avoid the attack or lessen its impact, that animal would qualify as a service animal. However, if the dog's mere presence provides comfort, that animal would not be considered a service animal under the ADA.

### ***Resources***

- Title 28, Chapter 1, § 35.136 Service animals
- DOJ. 2010. Service Animals. [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)
- DOJ. 2015. Frequently Asked Questions about Service Animals and the ADA. [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)
- ADA National Network. 2017. [Service Animals](https://adata.org/factsheet/service-animals). <https://adata.org/factsheet/service-animals>
- NPS. 2018. Service Animals – Yellowstone National Park. <https://www.nps.gov/yell/planyourvisit/serviceanimals.htm>



## 5.12 Other Power-Driven Mobility Devices (OPDMD) Policies

The District has adopted an *OPDMD Policy*

([https://www.openspace.org/sites/default/files/Policy\\_4.10\\_Other\\_Power-Driven\\_Mobility\\_Devices.pdf](https://www.openspace.org/sites/default/files/Policy_4.10_Other_Power-Driven_Mobility_Devices.pdf))

The following considerations and sample policy are provided for the implementation and any future updating of that policy

Considerations for the development of an OPDMD policy and a sample policy:

*Any mobility device powered by batteries, fuel, or other engines ... that is used by individuals with mobility disabilities for the purpose of locomotion and designed to operate in areas without defined pedestrian routes.*

– DOJ's Definition of OPDMD

### Considerations for the Development of an OPDMD Policy

People with mobility impairments often use mobility devices such as manual or powered wheel chairs, electric scooters, canes, crutches, or walkers. Mobility impairment may be temporary, periodic, or permanent. It may result from a mechanical injury such as a broken bone or a medical condition such as a stroke or heart condition. OPDMDs are intended to provide people with enhanced mobility, including on terrain where mobility devices that are intended for flat and level terrain are not effective.

The purpose of an OPDMD is to provide access to developed outdoor area facilities for persons with mobility impairments significant enough to warrant protection as a disability under the Americans with Disabilities Act. The goal of an OPDMD policy is to define parameters for this access that provides the maximum degree of access for persons with qualifying disabilities while also protecting the safety of the great many other users of open space and the environment.

The law encourages agencies to determine parameters for defining OPDMDs that are acceptable for use at their facilities. Consideration for resource impact and public safety are paramount for the sensitive resources found on most District project sites.

### Sample OPDMD Policy:

The use of a manual or motorized wheeled mobility device by an individual with limited mobility is allowed to the extent that the same would apply to a pedestrian. The information in this section is intended to treat a person using a manual or motorized wheeled mobility device as a pedestrian and is not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.

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**Engine Type:** Not to exceed Zero Emissions during use. The engine noise level from an OPDMD may not exceed 60 dB measured on the A-weighted scale at a distance of 50 feet.

OPDMDs with Zero Emissions will exclude combustion engines and the use of gas or other fuel-powered mobility devices. The noise and exhaust from gas-powered engines would fundamentally alter the natural setting of many of the trails.

**Size:** OPDMDs may not exceed 36 inches in width.

**Weight:** Not to exceed 550 lbs. including operator.

The weight limit is specified because (1) heavier loads may cause damage to the non-paved trail surface and structure and (2) of the potential for being unstable on trails that do not have compacted surfaces.

**Speed:** Maximum speed while operating an OPDMD cannot exceed 6 mph.

To ensure the safety of other trail users as well as protecting the experience and character of the trail as a pedestrian facility, the speed limit is to be limited to a maximum pedestrian hiking speed of 6 mph. Establishing a speed limit for OPDMD use on trails is a way of balancing pedestrian anxiety about the safety of sharing a trail with motorized devices moving at higher speeds and OPDMD users' right to experience the trail while using an OPDMD. 6 mph is a speed well in excess of average pedestrian walking speed, especially on undeveloped terrain, and is sufficient to provide access to the open space trails proposed to be open to OPDMD use.

**Users:** The use of OPDMDs, while allowed, is restricted to persons with mobility disabilities. The use of an OPDMD by a person without a disability is prohibited.

The causes of disability may not always be apparent to members of the public or agency staff. Proof of having a disability may be provided by:

- a valid, state-issued disability parking placard or card
- other state-issued proof of disability
- other federal-issued proof of disability (National Parks and Federal Recreational Lands Access Pass)
- verbal representation, not contradicted by observable fact

**Where:** Paved paths of travel, trails designated for improved accessibility, and designated multi-use trails. Multi-use is a category that includes pedestrians, bicyclists, and equestrians. OPDMDs are not allowed in areas closed to the public or areas restricted due to specific circumstances of design limitations, natural resource protection, or operational characteristics of the trail.

### **Rules for Use of OPDMDs:**

The following conditions apply:

- A person must be of legal age to operate the specific OPDMD, as prescribed by federal and state law.
- A person using an OPDMD must yield the right of way to pedestrians and persons using wheel chairs.
- A person riding an OPDMD must always yield to equestrians.
- Group size is limited to no more than four OPDMDs unless otherwise approved by the agency.
- No more than one person may ride upon an OPDMD at any time.

### **Every OPDMD shall be equipped with the following safety mechanisms:**

- Front, rear, and side reflectors.
- A system that enables the operator to bring the OPDMD to a controlled stop.
- If the OPDMD is operated between one-half hour after sunset and one-half hour before sunrise, a lamp emitting a white light that, while the OPDMD is in motion, illuminates the area in front of the operator and is visible from 300 feet in front of the OPDMD.

A sound emitting device that can be activated from time to time by the operator.

# 6. Appendices

Appendix A: Program Accessibility Questionnaire

Appendix B: ADA Facility Assessment Reports (*available upon request*)

Appendix C: Public Outreach

Board Study Session #1 (February 2018)

Board Study Session #2 (August 2018)

Presentation to San Mateo County Commission on Disabilities (October 2018)

Board Presentation of Final Plan (April 2019)

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