



We exist to provide outstanding opportunities through recreation for children and adults with disabilities.

Northwest Special Recreation Association
ADA Committee Meeting
March 21, 2018
11:30 p.m. Conference Room

Agenda

1. WT Group – John McGovern presentation
 - a. NWSRA Partner Park District 5-8 Levy Use Report and Recommendations
 - b. NWSRA ADA Compliance Project Pivot Table
2. Staff Recommendations regarding 5-8 Levy Use Report and Recommendations
3. NWSRA ADA Compliance Project Procedures
 - a. Review of online system
 - b. Determine questions for online submission form
 - c. Determine questions for online reviewers form
 - d. Determine the ADA Compliance Process
 - i. Submission Process
 - ii. Review Process
 - iii. Board Approval
 - iv. Follow-Up
4. Next Steps
 - a. Completion of Online System
 - b. Creation of Policy By-Law for compliance project procedures process for presentation at May 23, 2018 Board Meeting.
 - c. Set up trainings for Member District Staff regarding ADA Compliance Project Procedures

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February 28, 2018

Tracey M. Crawford, CTRS, CPRP
Executive Director
NWSRA
3000 Park Place
Rolling Meadows, IL 60008

Dear Tracey:

Thanks for the opportunity to assist with the analysis and development of the ADA Compliance Project Guidelines. I have completed a review of the information provided to us, and this letter covers a report with our findings and recommendations.

Introduction

NWSRA and its partner park districts have long recognized the importance of making recreation assets and park assets accessible to people with disabilities. The logic is unassailable: inclusion, as required by the Americans with Disabilities Act (ADA), cannot occur in many instances unless site assets are accessible. The two go hand-in-hand.

The Illinois park district model for funding recreation opportunities for people with disabilities is unique. No other state has anything like it. Park Districts are able to use the Park District Code 5-8 levy so long as the park district is in an intergovernmental agreement authorized by section 8-10(b) of the Park District Code, and such use (access retrofits for existing sites) is identified in the NWSRA Articles of Agreement as a "program" of the joint agreement. This approach has resulted in hundreds of thousands of accessibility retrofits and tens of millions of dollars on access projects, just in the 17 partner park districts of NWSRA.

Analyzing that work is a credit to the foresight of the partner park districts and NWSRA. The analysis we have completed will help the NWSRA Board better prepare for a future where demographics are changing. We know today two things: that more people will have disabilities, and the incidence of more complex disabilities is on the rise.

That impacts this work. A simple example is the size of mobility devices. They often are larger today than decades ago when the ADA became law. To some extent, we see that already in the requirement for larger maneuvering clearance in accessible restrooms. That footprint will continue to change. It will also affect site assets we don't think much about today, such as changing tables. A man weighing 200 pounds with a height of 6', using a mobility device, and unable to toilet himself, won't fit on a fold-out changing table for his caregiver to provide assistance. While not a part of the standards today, this will, I believe, become a reality in the future as more people with disabilities age and stay at home, and use park district sites.



Scope of Work

We were retained for four tasks. They are identified below, with a brief discussion about the purpose of the task:

Task 1: Review the 2004 to 2017 historical usage of the 5-8 Levy

How have the partners used the 5-8 levy? Are there any patterns? Are some projects likely to have more 5-8 funding than others? Do all partners use the 5-8 levy? These and related considerations were in our mind as we reviewed the information provided for usage from 2004 to 2017. Any conclusions we draw from this review are to shape our recommendations for prospective use of the 5-8 levy.

Task 2: Contrast 2004 to 2017 5-8 use against ADA title II and the 2010 Standards

This is an important task as it links the funding of retrofits to whether the retrofit is actually required by federal or state standards, smart practices, or industry standards. We believe NWSRA has great flexibility here and can elevate smart practices or industry standards in the absence of complete and final federal or state guidance on what an accessible beach, trail, picnic area, and so forth really looks like.

Task 3: Recommend project funding tiers

This is a look into the future, but relies on a look into the past. Taking our work in Tasks 1 and 2, we use our experience about parks and recreation and our access expertise to suggest ratios or funding tiers for projects.

Task 4: Review recommendations with the NWSRA ADA Committee

This brings us to you with our recommendations. I will attend the March 21 meeting of the NWSRA ADA Committee to review and discuss the report.

Conclusion

As always, it is a pleasure to be of service to NWSRA and the partner park districts. If I can clarify the report that is attached, reach me at john.mcgovern@rac-llc.com or call me at 224-293-6451. I look forward to seeing you on the 21st.

Sincerely,

John N. McGovern, JD
Partner and Practice Leader
Accessibility Practice

**NORTHWEST SPECIAL RECREATION ASSOCIATION
PARTNER PARK DISTRICT 5-8 LEVY USE****REPORT AND RECOMMENDATIONS
MARCH 5, 2018****Introduction**

This report contains our recommendations to NWSRA and its partner park districts regarding the prospective use of the 5-8 levy for partner park district projects. In this report we will review:

- How the NWSRA partners have used the 5-8 levy for projects, from 2004 to 2017
- How those uses match up against the federal and state access standards, as well as access smart practices
- How the 5-8 levy should be used in the future for projects, including a tiered approach for proportionate use

As noted earlier in the letter covering this entire report, the Illinois park district model for funding recreation opportunities for people with disabilities is unique. No other state has anything like it. Park Districts are able to use the Park District Code 5-8 levy so long as the park district meets two conditions. Those are:

1. The park district must be a partner in an intergovernmental agreement authorized by section 8-10(b) of the Park District Code, and
2. Such use (e.g., access retrofits for existing sites) is identified in the joint agreement governing Articles of Agreement as a “program” of the joint agreement.

There are typically three “programs” in a joint agreement. These are the funding of special recreation programs, services, facilities, and transportation; funding inclusion of people with disabilities alongside people with disabilities; and accessibility projects. There are some special recreation associations that have only two “programs”. All clearly have special recreation programs, facilities, and services. However, for some SRAs, inclusion as a program is very, very small. And for some, funding partner park district projects is very, very small or nonexistent.

All of the above approaches are appropriate, as the SRA is a tool of the partner park districts. The SRA should reflect the philosophies and missions of the partner park districts, and as evidenced by the following reports, the NWSRA partner park districts do want access projects as a “program” of NWSRA.

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Process

An explanation of our process will help readers review and understand our recommendations. We began by reviewing all of the 5-8 projects from 2004 through 2017. This allowed us to more fully understand the use of this resource. This was provided by NWSRA to us as an Excel spreadsheet that had been compiled over the years of the project.

We next modified the spreadsheet for ease of use. We modified the Excel spreadsheet to an Excel pivot table, increasing the sortability of the data. In doing so we retained the original six NWSRA categories, but also added sums to the columns for total project cost, number of projects, 5-8 resource used, and average 5-8 resource use in each category. We believe these facilitate use and understanding.

The original spreadsheet also used tabs to note projects by park district. We have consolidated all projects into one Excel sheet. We think there is great value in being able to see, at a glance, all of the NWSRA partner work.

Next, we filled in some data holes. For example, there were occasional entries showing use of the 5-8 resource for a project, but not showing a total overall project cost. Where those occurred, we made the project cost the total of the 5-8 use. We did so to avoid the problem of increasing the percentage of 5-8 resources towards projects in total. There are some cells that show a total park district project cost, but no 5-8 resource. We have not modified those.

There are some inconsistencies in use. For example, a 5-8 project to acquire sled hockey equipment is categorized as communication, and perhaps should have been Recreation Facilities and Amenities. We did not change these as our work is to be prospective in nature. Later in this report we have recommendations regarding the naming and definition of the categories.

Finally, we identified some trends in use. There are some anomalies in the data, and in the section below we discuss those.

SECTION 1: HOW HAVE THE PARTNERS USED THE 5-8 RESOURCE?

This section of the report reviews the historic use of the 5-8 resource by NWSRA partner park districts for projects.

By the Numbers...

Since 2004, the NWSRA partner park districts have used 5-8 resources for 1,644 projects. The average 5-8 resource applied to those projects is \$13,224.22. The overall cost for those projects is \$45,918,567.14. The total of 5-8 resources applied to those projects is \$21,740,567.14, or 47.3% of overall project cost.

All but one of the NWSRA partner park districts have used the 5-8 levy for projects. The sole entity not to do so is the Inverness Park District. The entity using 5-8 resources for the most projects is the Hoffman Estates Park District, at 451 projects. Mount Prospect Park District used the 5-8 levy for projects the next highest number of times at 248. Schaumburg is next at 171 times. But from there a drop occurs to 133 (Buffalo Grove

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and 116 (Bartlett). Aside from Inverness, South Barrington used the 5-8 resource the least, at ten times.

Regarding dollars, Buffalo Grove Park District has applied \$3,386,894.41 in 5-8 resources to projects. Next is Hoffman Estates at \$3,121,732.76. Five others have applied more than \$1,000,000 to projects, and four others fall between \$500,000 and \$1,000,000. Five others have used less than \$500,000. Inverness again is alone as the only entity that has used no 5-8 resources for projects.

NWSRA has created six general categories for these projects. The six categories are:

1. Communications
2. Plumbing Elements and Facilities
3. Recreation Facilities and Amenities
4. Routes and Surfaces
5. Special Rooms, Spaces, and Elements
6. Transportation

These are broad and include several sub-categories within each.

In order of use in projects, the six categories shuffle. The table on the following page sorts categories by 5-8 resource use, number of projects, the average 5-8 use, and the percentage of the project total.

CATEGORIES	5-8 Resource	# Projects	Avg 5-8 Use	% Project
Communication	\$ 1,025,149.35	133	\$ 7,707.89	43.3%
Plumbing	\$ 1,033,449.70	74	\$ 13,965.54	51.1%
Rec Facilities/Amen	\$ 6,213,257.45	561	\$ 11,075.33	45.7%
Routes & Surfaces	\$12,424,632.78	844	\$ 14,721.13	48.0%
Special Spaces	\$ 305,694.40	19	\$ 16,089.18	26.5%
Transportation	\$ 728,435.97	13	\$ 56,033.54	80.0%
TOTALS	\$21,740,619.65	1,644	\$ 13,224.22	47.3%

Digging deeper into the six categories, we make the following observations.

1. **Transportation** is the category with the fewest 5-8 uses, at 13. It is also the category with the highest average use, at \$56,033.54. This is because of the nature of this use, the acquisition of lift-equipped vehicles.

Total 5-8 resource here is \$728,435.97.

2. The **Special Rooms, Spaces, and Elements** category has the next lowest number of 5-8 uses, at 19. It also has the next highest average 5-8 use at

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\$16,089.18. Again this is a function of the type of projects, with kitchenettes, assembly areas, storage, and other projects that require design and construction.

Total 5-8 resource here is \$305,694.40.

3. The next lowest category is **Plumbing Elements and Facilities**, with 74 projects for an average of \$13,965.54 per project. This ranges from sinks to stalls to fountains to toilets, accessible all.

Total 5-8 resource here is \$1,033,449.70.

4. The **Communications** category has two clearly different uses being funded with 5-8 resources. The category includes 74 communication projects, such as signage, detectable warnings, parking signs, and building alarm systems. However, it also includes a number of ADA compliance consulting uses.

The total 5-8 resource usage here is \$1,025,149.35.

5. **Recreation Facilities and Amenities** is the second highest category in regard to use, at 561 projects, averaging \$11,075.33. The principal uses in this category are playground projects, exercise or fitness machines, and benches or picnic tables. Also included are splash pads and handrail projects. Of note, the playground projects are almost all equipment, not surfacing.

Total 5-8 resource here is \$6,213,257.45.

6. Lastly, the **Routes and Surfaces** category includes 844 projects that used 5-8 resources, each use averaging \$14,721.13. Can a pedestrian use it? If so it is in this category, with walking routes, stairs, ramps, playground surfaces, athletic surfaces, means of egress, curb ramps, doors, elevators, and more. Of note, the playground projects are all surfacing, not equipment.

Total 5-8 resource here is \$12,424,632.78.

The last finding regarding routes and surfaces is not a surprise. Perhaps the most fundamental change due to the ADA is the development of accessible routes to assets in a park. Grass or dirt are never an accessible route, so changes to the way we think, in the park district community and the design community, were inevitable.

Routes must exist to connect sports fields, picnic tables, bleachers, playground components, garbage and recycle cans in parks, dispensers of plastic receptacles for dog waste, assembly areas, and all other park and facility assets.

Further analysis may be helpful, and we suggest two projects below.

We did not have the maximum allowable 5-8 levy for each partner in each year studied. It would be informative to determine if a park district chose to not to use resources, or to know whether a park district chose to use the maximum amount of resources allowed. Additionally, we did not sort by year. In the future, it would be helpful to sort by fiscal year to determine any 5-8 use trends that are caused by new or pending legislation.

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We also note that this study does not address the critical issue of making enough resources available for NWSRA operations, and ensuring that resources for NWSRA, the original intended recipient of 5-8 resources, are available. We believe the NWSRA partner park districts have recognized this issue and resolved it. We raise it however because we know for a fact that this resolution has not occurred at some SRAs. At those SRAs the SRAs in effect compete against the partner park districts for use of the 5-8 levy. Again, NWSRA and its partners appear to have resolved that issue. However, this analysis is not within our scope.

Recommendations Regarding Categories

We have several recommendations regarding categories. All are intended to make the use transparent and simple to track by NWSRA and the partners.

Recommendation 1: Retain current category and uses for **Transportation, Plumbing Elements and Facilities, Recreation Facilities and Amenities, and Routes and Surfaces**. We considered a change in Routes and Surfaces due to the sheer size of this category, but with pivot table functions one can easily skim the projects.

Recommendation 2: Consider renaming **Communications** to Communications and Compliance, and retaining the current uses. In the alternative, create a seventh category titled Compliance, and assign all uses regarding compliance studies, transition plans, and related uses to this seventh category.

Recommendation 3: Lastly, retain **Special Rooms, Spaces, and Elements**. This category is exactly the same name as found in the 2010 Standards for Accessible Design.

SECTION 2: HOW DOES HISTORIC USE MATCH FEDERAL & STATE MANDATES?

All projects had a relationship to the federal 2010 Standards for Accessible Design or its predecessor, the 2004 ADA/ABA Guideline (the first to include design requirements for recreation assets). Additionally, projects regarding parking, buildings, routes, plumbing, restrooms, and other similar fixed assets had a relationship to the Illinois Accessibility Code, which is more stringent than federal requirements in several instances. Finally, we saw many projects reflective of smart practices, such as picnic tables and trails, which are not yet subject to a final design standard.

As an aside, it is unlikely to see any changes to federal and state requirements.

At the federal level, President Trump has issued a strict edict requiring federal agencies to rescind two regulations for every regulation issued. That has all but killed evolving federal regulations important to park districts, such as accessible website design and accessible design of outdoor developed areas (trails, campsites, picnic areas, beaches, viewing areas, and more). Both of these are available to the public, however. Website design is governed by [WCAG 2.0](#), and the design of outdoor developed areas is found at the [2013 Final Guideline for Federally Owned and Operated Outdoor Developed Areas](#). Both were developed and published by the US Access Board.

It is equally unlikely to see a revised Illinois Accessibility Code (IAC) this year. A rewrite of the IAC has occurred, but a technical delay has stalled its issuance. The new IAC,

which is likely to be released in 2019, will include areas not addressed by the federal Standards, such as websites and outdoor areas as mentioned above. The new IAC will also include Public Right-of-Way requirements and requirements for shared use paths, a transportation alternative. That moots concerns about federal regulations being delayed.

We urge the NWSRA partner park districts to adhere to these nearly completed guidelines. Doing so benefits your communities and as the park districts already have these assets, place you in compliance with the [title II regulation](#), which requires opportunities made available by the park districts to be accessible.

In other words, do not wait for Springfield or Washington to mandate these standards. Adhere to these guidelines in development as a smart practice.

We do note that none of the 5-8 projects are for a human resource, such as a sign language interpreter or an inclusion aide. We understand that the need for these projects was viewed at first as a site or facility issue. However, the pertinent sections of title II that addresses site retrofits includes language regarding “assignment of aides to program beneficiaries (inclusion aides, see 35.150(d))” as well as sign language interpreters (see 35.160). We further understand that NWSRA and the partner park districts track inclusion supports very thoroughly. We do not suggest the blending of these two disparate uses, but we do suggest that if one has not been completed, that an analysis similar to this be completed for inclusion supports.

We also note that of all of the projects completed, only one involved a website (Rolling Meadows) and it appears by the description to be marketing more so than accessibility. The title II 35.160 requirement is clear: every park district communication, including park district websites, must be accessible. The communication must be as effective for a person with a disability such as a sight impairment as it is for a person without a disability. Partner park districts that have not conducted an access audit of their websites for compliance with WCAG 2.0 should do so sooner rather than later.

Our recommendations regarding matching the use of 5-8 resources to state and federal requirements, as well as smart practices, follow below.

Recommendation 4: Continue to match 5-8 resource use to 2010 Standards and IAC.

Recommendation 5: Continue to match 5-8 resource use to evolving smart practices, including the 2013 Outdoor guideline, WCAG 2.0, and PROWAG.

Recommendation 6: Designate website accessibility as a permitted 5-8 project, and allow partner park districts to use 5-8 resources for an access audit of websites. Consider a web accessibility initiative that involves all partner park districts.

Recommendation 7: Consider an analysis similar to this for the use of 5-8 resources to support recreation inclusion, if such an analysis has not already occurred.

SECTION 3: HOW SHOULD THE 5-8 RESOURCE BE USED IN THE FUTURE?

In this section we will discuss future use of the 5-8 resource, and offer recommendations regarding tiered levels of funding for projects. An important part of this discussion is the identification of improvements that are mandated as opposed to desired. We also

recognize that this approach, and the tiers, must be appropriate as well as simple to implement and enforce. A complex approach to implementation helps no one.

We offer several examples to illustrate the tiers that could exist. In each we seek to establish a nexus between the project and accessibility. That is the key.

Example 1: Accessible Routes through Park Grass

With the issuance of the 2010 Standards, it is clear that parks as they existed before 2010, with grass routes to most park assets, fail the new Standard. Grass is never an accessible route. As NWSRA partner park districts seek to address this issue, the design and construction of an accessible route that serves park assets such as sport fields and courts, playgrounds, shelters, picnic areas, and other elements should have the highest eligibility because it is a new requirement.

However, if the park district already recognized this need and created a crushed stone accessible route, and the issue is now one of maintaining that accessible route, it should be funded at a lower eligibility.

Example 2: Making a Constructed Restroom in a Park Accessible

Since 1987, under the IAC, restrooms have been required to meet accessibility requirements. In 1992, a federal standard for restrooms came into effect. In 2012, that federal standard was modified, and effectively increases the size of the accessible stall and restroom. In this example, in 2020 if a park district alters an existing restroom to make it accessible, the question of funding eligibility hinges on when it was first constructed.

If constructed in 1995 but not made compliant, it should have lower eligibility.

If constructed prior to any access standards, in 1983, it should have higher eligibility for 5-8 resources.

Example 3: Replacing a Noncompliant Playground Surface

Where a park district, in 2021, replaces a playground that currently has a sand surface, and the replacement surface is an accessible surface, that project should be of the highest eligibility for 5-8 funding. As in Example 1 above, accessible playground surface requirements have only been enforceable since 2012.

If an accessible surface was installed in 2011, and it is now being replaced in 2019, it should be eligible for a lower level of funding.

Example 4: Assets are Used Almost Exclusively by People without Disabilities

When an asset is exempted from the accessibility standards, such as diving boards and waterslides, a park district project for that asset should not be eligible for 5-8 resources. The intergovernmental partnership mission is all about serving people with disabilities. In the instances where an asset is exempt, it is contrary to the mission to allow 5-8 resources to be used.

We do acknowledge that a diving board could be used by a person who is deaf, blind, has a seizure disorder, has diabetes, or other conditions. Where the project addresses that health condition, such as a warning klaxon that is accompanied by flashing lights for a diver who is deaf, it should be eligible for funding.

Example 5: Exceeding Requirements Due to Demand by People with Disabilities

There is a relationship between the accessibility requirements and park district services to the aging population. In a parking scenario, where a community center and senior center coexist in a building, and the site is heavily used by seniors, who have a higher incidence of disability, the park district may decide to exceed the minimum number of accessible parking stalls.

We generally encourage districts to exceed the minimum, but here, from a 5-8 perspective, we would suggest that such a project have less eligibility.

Discussion

We propose below only three tiers. Tier One is 100% funding eligibility. Tier Two is eligible for 50% funding. Tier Three is ineligible for the application of 5-8 resources. Each Tier is described below.

Tier One: the project must meet these criteria, and is eligible for 100% funding:

1. The project is the acquisition of, or design and construction of, a new asset at an existing site or a new site
2. The project alters an asset at a site, and that asset was originally developed prior to the existence of an access standard for that type of asset, e.g., playground
3. The project is designed and constructed to comply with:
 - A. The 2010 Standards for Accessible Design
 - B. The Illinois Accessibility Code
 - C. The 2013 Final Guideline for Outdoor Developed Areas Owned and Operated by the Federal Government
 - D. Website Content Accessibility Guideline 2.0 or a more current version
 - E. PROWAG and the Shared Use Paths Guideline in Development
 - F. ASTM F 1951 Standards for Accessible Playground Surfaces
 - G. ASTM Standard for Accessible Exercise Equipment
 - H. RESNA Standard for Adaptive Golf Cars
 - I. Smart practices in an area not yet addressed by the State of Illinois or a federal standard

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4. If a portion of the assets are not accessible to persons with disabilities, the 5-8 eligibility shall be determined on a pro rata basis. For example, if 20 pieces of exercise equipment are being acquired, and only 15 of the 20 have an accessibility feature for a disability population (speaking pads, swivel seats, hand pedals, larger LED displays, etc.) than the project is eligible for 75% of 100%, or a total of 75%.
5. If a portion of the asset being altered was already in existence, the 5-8 eligibility shall be determined on a pro rata basis. For example, if a park district has a 3' wide route through a park and wishes to expand it to 8' wide, consistent with shared use path requirements, 5' of the expansion is eligible for 100% funding.

Tier Two: the project must meet these criteria, and the accessibility portion of the project is eligible for 50% funding:

1. The project maintains an accessible asset at an existing site, e.g., resurfacing an accessible route through a park, repairing the lift capability of an elevator in a facility, or repairing an adaptive golf car
2. The project is designed and constructed, or applies human resources, to comply with:
 - A. The 2010 Standards for Accessible Design
 - B. The Illinois Accessibility Code
 - C. The 2013 Final Guideline for Outdoor Developed Areas Owned and Operated by the Federal Government
 - D. Website Content Accessibility Guideline 2.0 or a more current version
 - E. PROWAG and the Shared Use Paths Guideline in Development
 - F. ASTM Standard for Accessible Exercise Equipment
 - G. ASTM F 1951 Standard for Accessible Playground Surfaces
 - H. RESNA Standard for Adaptive Golf Cars
 - I. Smart practices in an area not yet addressed by the State of Illinois or a federal standard

Tier Three: the project is for the acquisition of, or design and construction of, an asset that is not required by accessibility codes and is exempted from compliance by accessibility codes. In this instance the project is *ineligible for funding*.

Recommendation 8: that the NWSRA adopt the recommendations for project criterion in Tier One;

Recommendation 9: that the NWSRA adopt the pro rata approach to eligibility for Tier One projects;

Recommendation 10: that the NWSRA adopt the recommendations for project criterion in Tier Two;

Recommendation 11: that the NWSRA adopt the recommendations for zero project eligibility described in Tier Three.

We recognize that these tiers may not match exactly with prior use. We believe that by simplifying the process the partner park districts can spend more time on projects and less time on how to fund the project. We also recognize the importance of maintenance.

Caution

We do urge NWSRA and the partner park districts to exercise caution regarding one type of asset: playgrounds. In our work within and without the NWSRA districts, we have seen many playgrounds that use engineered wood fiber as an accessible surface. This surface is only accessible if maintenance plans include four specific tasks, as recommended by the International Play Equipment Manufacturers Association (IPEMA):

1. The surface is replenished as it is used and escapes the playground;
2. When replenished, the surface is raked to level;
3. After raking, the surface is watered; and
4. After watering, the surface is compacted.

Without these four actions, the surface is not accessible and should be ineligible for 5-8 resources.

Additionally, engineered wood fiber surfaces require more maintenance. The 2010 Standards, at 1008.2.6.1, states “Ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with ASTM F 1951.”

Again, without enhanced maintenance, the surface is not accessible and should be ineligible for 5-8 resources.

We therefore add two final recommendations:

Recommendation 12: require playground surface projects to adhere to IPEMA recommendations for the treatment of engineered wood fiber surfaces; and

Recommendation 13: require playground surface projects to meet the 1008.2.6.1 inspection and maintenance requirement, which we recommend be at least once per week.

Conclusion

The use of the 5-8 levy as a resource for accessibility is an important aspect of NWSRA and partner park district operations in general. Excellent projects have been enabled by the levy, and many more will follow in the future.

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We believe it is critical to mate the use of 5-8 resources to federal and state accessibility requirements. We acknowledge the importance of acquisition and development, but no asset survives without maintenance. The ADA is unusual in that it contains a maintenance requirement (see section 35.133 of the title II regulation. It is with that in mind that we made Tier Two costs eligible for some 5-8 resources.

I look forward to discussions with NWSRA on this report and my recommendations.



Prepared and Submitted by

John N. McGovern, JD
Partner and Practice Leader
WT Group, LLC Accessibility Practice

JNM/NWSRA REPORT AND RECOMMENDATIONS 201801

To: NWSRA ADA Committee
From: Tracey Crawford, Executive Director
Re: Response to WT Group ADA Compliance Project Recommendations
Date: March 7, 2018

NWSRA contracted with WT Group to provide analysis on the following items:

- Section 1: How NWSRA partners have used the 5-8 levy for projects, from 2004 to 2017
- Section 2: How those uses match up against the federal and state access standards, as well as access smart practices
- Section 3: How the 5-8 levy should be used in the future for projects, including a tiered approach for proportionate use

We received the report in early March, and upon review with NWSRA staff, I contacted John McGovern from WT Group. We discussed the sections within the report and subsequent areas of focus that would provide specific direction on the creation of the Policy that will guide the ADA Compliance Project request procedure.

Following are the recommendations from the NWSRA staff (highlighted in yellow) based on the recommendations within John McGovern's full report:

Section 1 Recommendations:

Recommendation 1: Retain current category and uses for **Transportation, Plumbing Elements and Facilities, Recreation Facilities and Amenities, and Routes and Surfaces**. We considered a change in Routes and Surfaces due to the sheer size of this category, but with pivot table functions one can easily skim the projects.

- Staff agrees with this recommendation

Recommendation 2: Consider renaming **Communications** to Communications and Compliance, and retaining the current uses. In the alternative, create a seventh category titled Compliance, and assign all uses regarding compliance studies, transition plans, and related uses to this seventh category.

- Staff recommends keeping the category of Communications as is, but including the proposed subcategories under Communications: Compliance studies, Transition plans, etc.

Recommendation 3: Lastly, retain **Special Rooms, Spaces, and Elements**. This category is exactly the same name as found in the 2010 Standards for Accessible Design.

- Staff agrees with this recommendation

Section 2 Recommendations:

Recommendation 4: Continue to match 5-8 resource use to 2010 Standards and IAC.

- Staff agrees with this recommendation and will include the 2010 Standards and IAC as resource links for on the upcoming ADA Compliance Project website for Member District staff to access.

Recommendation 5: Continue to match 5-8 resource use to evolving smart practices, including the 2013 Outdoor guideline, WCAG 2.0, and PROWAG.

- Staff agrees with this recommendation and will include the 2013 Outdoor Guideline, WCAG 2.0 and PROWAG as resource links for on the upcoming ADA Compliance Project website for Member District staff to access.

Recommendation 6: Designate website accessibility as a permitted 5-8 project, and allow partner park districts to use 5-8 resources for an access audit of websites. Consider a web accessibility initiative that involves all partner park districts.

- Staff agrees to designate website accessibility as a permitted 5-8 project, and will allow Member Districts to use 5-8 resources for an access audit of websites. Staff recommend placing this project category under Communications.
- The web accessibility initiative goes beyond the scope of this project.

Recommendation 7: Consider an analysis similar to this for the use of 5-8 resources to support recreation inclusion, if such an analysis has not already occurred.

- This is currently being reported through Quarterly Participation and Financial Reports provided to the Board. The majority of the inclusion program costs are covered in the Member District Assessments, not the 5-8 levy.

Section 3 Recommendations:

Recommendation 8: that the NWSRA adopt the recommendations for project criterion in Tier One;

- Staff have reviewed the full findings of the data provided through the WT Group analysis of past Member District ADA Compliance Project requests. Following is an excerpt from the full report from WT Group:
 - “All projects had a relationship to the federal 2010 Standards for Accessible Design or its predecessor, the 2004 ADA/ABA Guideline (the first to include design requirements for recreation assets)
- Therefore, staff supports the precedent set by the Member Districts’ use of the 5-8 levy since 2004. Furthermore, staff will utilize the data in the report to formalize the process for ADA Compliance Project submission, review and approval.

Recommendation 9: that the NWSRA adopt the pro rata approach to eligibility for Tier One projects;

- Staff have reviewed the full findings of the data provided through the WT Group analysis of past Member District ADA Compliance Project requests. Following is an excerpt from the full report from WT Group:
 - “All projects had a relationship to the federal 2010 Standards for Accessible Design or its predecessor, the 2004 ADA/ABA Guideline (the first to include design requirements for recreation assets)
- Therefore, staff supports the precedent set by the Member Districts’ use of the 5-8 levy since 2004. Furthermore, staff will utilize the data in the report to formalize the process for ADA Compliance Project submission, review and approval.

Recommendation 10: that the NWSRA adopt the recommendations for project criterion in Tier Two;

- Staff have reviewed the full findings of the data provided through the WT Group analysis of past Member District ADA Compliance Project requests. Following is an excerpt from the full report from WT Group:
 - “All projects had a relationship to the federal 2010 Standards for Accessible Design or its predecessor, the 2004 ADA/ABA Guideline (the first to include design requirements for recreation assets)
- Therefore, staff supports the precedent set by the Member Districts’ use of the 5-8 levy since 2004. Furthermore, staff will utilize the data in the report to formalize the process for ADA Compliance Project submission, review and approval.

Recommendation 11: that the NWSRA adopt the recommendations for zero project eligibility described in Tier Three.

- Staff have reviewed the full findings of the data provided through the WT Group analysis of past Member District ADA Compliance Project requests. Following is an excerpt from the full report from WT Group:
 - “All projects had a relationship to the federal 2010 Standards for Accessible Design or its predecessor, the 2004 ADA/ABA Guideline (the first to include design requirements for recreation assets)
- Therefore, staff supports the precedent set by the Member Districts’ use of the 5-8 levy since 2004. Furthermore, staff will utilize the data in the report to formalize the process for ADA Compliance Project submission, review and approval.

Section- Caution:

Recommendation 12: require playground surface projects to adhere to IPEMA recommendations for the treatment of engineered wood fiber surfaces; and

- Staff recommends providing a resource link to the IPEMA recommendations for treatment of engineered wood fiber surfaces on the upcoming ADA Compliance Project website for Member District staff to access.

Recommendation 13: require playground surface projects to meet the 1008.2.6.1 inspection and maintenance requirement, which we recommend be at least once per week.

- Staff recommends providing a resource link to the 1008.2.6.1 inspection and maintenance requirement on the upcoming ADA Compliance Project website for Member District staff to access.