

ADA Compliance in Public Parks and Recreation

Additionally, if you have a request for ADA accommodation or compliance, be sure that you've researched whether you can provide these accommodations, and if not, provide the individual or group with an explanation why not. Also remember, CIS' Pre-Loss staff is available for consultation when an employee requests a reasonable ADA accommodation.

The [United States Access Board](#) provides a wide variety of guides on their website, including [various guides on recreational facilities](#) and an [Accessible Play Areas guide](#).

In Oregon, the [Northwest ADA Center](#) provides a variety of ADA resource information for state and local government at. Additionally, there's a very good [checklist](#) located on their website that provides guidance on ADA compliance.

Some of the regulatory agencies and their guidelines pertaining to these types of areas frequented by the public include:

ARCHITECTURAL BARRIERS ACT (ABA)

- Applies to federal agencies and state/local government who have received any federal funding for projects
- Provides design standards for any areas developed for outdoor use
- Provides guidance to entities that have not received any kind of federal funding that might fall under the act
- More information can be found at:
 - ... [US Access Board Standards for Outdoor Developed Areas](#)
 - ... [US Access Board Standards Summary of Accessibility Standards for Outdoor Developed Areas](#)
 - ... [US Access Board Guide to Outdoor Developed Areas Handbook](#)

AMERICANS WITH DISABILITY ACT (2010)

- Pertains to state and local government, regardless of their funding sources
- Identifies some outdoor areas as difficult to classify or categorize, such as BBQ facilities, picnicking locations, hiking trails, bike paths, and campgrounds
- Detailed information available in the [ADA Standards for Accessible Design](#) handbook

OUTDOOR RECREATIONAL ACCESS ROUTES (ORAR'S)

- Refer to continuous, unobstructed paths
- Pedestrian use paths
- Those that connect accessible facilities, spaces, or elements
- Can only be used in campgrounds, picnicking areas, trailheads, and view areas
- Cannot be used for other types of facilities

Conditional Exceptions to Compliance:

- Impractical due to terrain
- Precluded by federal, state or local laws or regulations such as:
 - ... Wilderness Act
 - ... Endangered Species Act
 - ... National Environmental Act
 - ... Other such laws passed at the local, state, or federal level
- Fundamental alteration
 - ... Removal of barrier “fundamentally” changes the program or service nature
- Undue burden
 - ... If cost or lack of personnel creates an undue burden or hardship on the entity
 - ... Ensure you do analysis, determine costs, and track accommodation requests to show hardship
 - ... Entities do not have to remove all physical barriers
 - ... Can offer through alternative method
 - Relocation to an accessible facility or location
 - Provide assistant for disabled individual to assist them with benefits and services through the alternative location

A brief outline of some of the Title II requirements for outdoor developed areas pertaining to ADA include:

- Transition Plan (determining the physical barriers to accessibility for disabled individuals).
 - ... Determine what outdoor programs or areas could have physical barriers such as:
 - Fishing areas
 - Hiking trails
 - Campgrounds
 - Areas that provide access to the beach
 - Picnic areas
 - Viewpoints to scenic areas
 - ... Determine why individuals come to these areas — is the barrier preventing individuals from participating in the program or enjoying the facility? Are there other locations or facilities that would allow accessibility and are they conveniently located?
 - If not, is there a nearby location or facility available that is accessible?
 - ... Prioritize based on how it effects access to the program
 - ... Determine innovative ideas that could manage the barriers in the short-term
 - ... Come up with long-term recommendations for managing or removing barriers
- Self-Assessment (developing policies or changing current policies to include guidelines for compliance)

New construction in parks and open areas are required to meet current ADA standards. When changes are made to existing facilities, accessibility must be present as long as it is financially feasible for the entity.

