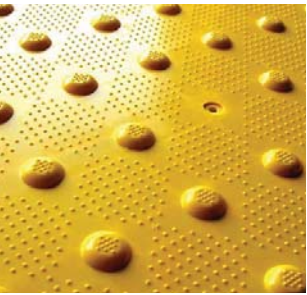




State of California

Coastal Conservancy



JUNE 2018

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# ADA Self-Evaluation and Transition Plan

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# Self-Evaluation and Transition Plan

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State of California, State Coastal Conservancy

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# Contents

Contents .....	i
1. Introduction .....	1-1
1.1 The State Coastal Conservancy’s Americans with Disabilities (ADA) Self-Evaluation and Transition Plan .....	1-1
1.2 Legislative Mandate .....	1-2
1.3 Discrimination and Accessibility .....	1-4
1.4 ADA Self-Evaluation and Transition Plan Requirements and Process .....	1-5
1.5 Self-Evaluation .....	1-6
1.6 Transition Plan and Facility Assessments.....	1-7
1.7 Regulatory Framework .....	1-7
1.8 Exceptions to Compliance with Standards.....	1-9
1.9 ADA Coordinator Roles and Responsibilities.....	1-13
1.10 ADA Notice Requirements.....	1-14
1.11 ADA Grievance Procedure .....	1-16
1.12 Public Outreach.....	1-16
2. Definitions .....	2-18
List of Acronyms .....	2-23
3. Self-Evaluation of Policy and Programmatic Accessibility .....	3-24
3.1 Staff Questionnaire.....	3-24
3.2 Policy Review .....	3-47
3.3 Emergency Evacuation Procedures.....	3-51
3.4 Communications Assessment .....	3-52
4. Transition Plan.....	4-59
4.1 Facilities .....	4-60
4.2 Criteria for Prioritizing Facilities .....	4-62
4.3 Transition Plan Schedule.....	4-63
5. Resources .....	5-65
5.1 California and National Organizations Supporting People with Disabilities .....	5-65
5.2 Guidance Documents and Organizations—General .....	5-68
5.3 Guidance Documents and Articles—Web Design.....	5-69
5.4 Guidance Documents and Articles—Signage .....	5-71
5.5 Guidance Documents and Articles—Creating Accessible Documents .....	5-72

5.6	Federal, State and Local Laws, Standards, and Ordinances .....	5-73
5.7	Items for Consideration in Addressing Accessibility of Project and Grant Applications 5-77	
5.8	Service Animal Policies .....	5-78
5.9	Other Power-Driven Mobility Devices (OPDMD) Policies.....	5-80
6.	Appendices.....	6-83

# 1. Introduction

## 1.1 The State Coastal Conservancy's Americans with Disabilities (ADA) Self-Evaluation and Transition Plan

*The State Coastal Conservancy's vision is of a beautiful, restored and accessible coast for current and future generations of Californians. We act with others to protect and restore, and increase public access to, California's coast, ocean, coastal watersheds and the San Francisco Bay Area.*

Mission Statement (2018-2022 Strategic Plan)

The State Coastal Conservancy (Conservancy) is a non-regulatory agency of the State of California and was created in 1976 to complement the California Coastal Commission and the San Francisco Bay Conservation and Development Commission by working with other agencies and organizations to protect and enhance coastal resources and improve public access to the coast. The Conservancy works along the entire length of California's coast and within the watersheds of rivers and streams that extend inland from the coast. Its jurisdiction covers 49,770 square miles, or approximately 30% of California's area, and is home to 27,847,000 Californians, or approximately 75% of the population.

Since its creation, the Conservancy has directly undertaken and coordinated projects and has provided technical assistance and grant funding to local communities, nonprofit organizations, other government agencies, businesses, and private landowners to complete more than 2,400 projects, building hundreds of miles of trails, constructing scores of public access facilities, and preserving, restoring, and enhancing hundreds of thousands of acres of fish and wildlife habitat, coastal farmland, redwood forests, and scenic open space. These multi-benefit projects:

- Protect the natural and scenic beauty of the coast
- Enhance fish and wildlife habitat
- Help the public get to and enjoy beaches and parklands
- Keep farmland and timberlands in production
- Improve water quality
- Revitalize working waterfronts
- Prepare communities for the impacts of climate change

The Conservancy is a small agency (about 65 employees), and except for its executive officer, all permanent employees are members of the state's civil service system. It is headquartered in downtown Oakland.

The Conservancy works with other organizations to undertake projects that further its strategic plan goals. Current Conservancy major access and recreation projects include:

- California Coastal Trail
- San Francisco Bay Area Water Trail

- San Francisco Bay Trail
- The Great California Delta Trail
- Bay Area Ridge Trail
- Santa Ana River Parkway
- South Bay Salt Ponds Restoration Project.

Typically, the Conservancy does not own or manage project sites, although it may fund most stages of a project including: pre-project feasibility studies, property acquisition, planning (for large areas or specific sites) and design, environmental review, construction, monitoring, and, in limited circumstances, maintenance. However, the Conservancy does own interests, including rights, for facilities throughout the state. Properties held by the Conservancy primarily for public access are often undeveloped, and those held as conservation easements are usually both undeveloped and closed to public access.

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

1. To help the Conservancy meet its strategic plan goals pertaining to improving and expanding access to the coast and San Francisco Bay for persons with **disabilities** at all the projects it supports;
2. To assist the Conservancy in meeting requirements of title II of the ADA by identifying and evaluating all Conservancy policies, programs, activities, services, and physical barriers to accessibility at Conservancy-owned facilities; and
3. To clarify what laws, standards, and ordinances may be applicable

Although this Plan cannot specify or direct improvements to facilities owned and managed by others, it does define an approach for achieving the goal of program-level accessibility for projects and programs supported by the Conservancy. A checklist of evaluation criteria is included in the *Resources* section of this Plan on page [5-76](#), which includes criteria for evaluating grant and program evaluations for accessibility.

## 1.2 Legislative Mandate

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities that 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 assure 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.



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Following the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act (ADA) on July 26, 1990. Title II of the ADA addresses programs, activities, and services provided by **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 incorporates 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 called the 2010 ADA Standards for Accessible Design (2010 Standards). On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under titles II and III. The compliance date for using the 2010 Standards for program accessibility and barrier removal is also March 15, 2012.

Under the requirements of the 1990 ADA and the 2010 Standards, the Conservancy may not, either directly or through contractual arrangements, do any of the following:

- 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 not separate or different from those offered others, even if the Conservancy offers permissibly separate or different activities
- 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 the Conservancy's facilities or projects it has funded 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 establish the Conservancy's ADA Self-Evaluation and Transition Plan.

## Application of Regulations

The Conservancy, as a **public entity** and an agency of the State of California with statutory authorities that mandate the provision of public programs and facilities, is subject to the ADA's Title II Requirements for State and Local Government Programs and Services. All agencies, regardless of size, are required to complete an ADA Self-Evaluation Plan and provide public notice about the ADA's provisions. Agencies (such as the Conservancy) that employ 50 or more persons are required to complete an ADA Transition Plan, and additional title II administrative requirements (Section 35.107 of the ADA) mandate that the Conservancy identify an ADA

Coordinator and develop and publish grievance procedures to provide fair and prompt resolution of accessibility complaints as part of its Plan.

The state's goal to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners"<sup>1</sup> also requires the provision of **accessible** programs and facilities that are available without discrimination toward people with disabilities. A 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.*" (28 CFR § 35.130-35.135. II-3.3000 Equality in participation/ benefits)

This principle, here referred to as **program accessibility**, is described in 28 CFR § 35.149-35.150. II-5.1000 General).

*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.*

In large part, the Conservancy undertakes projects through providing grants to non-profit organizations and public entities for the acquisition of properties for conservation and the development of appropriate public access such as trails that protect resources on those lands. From time-to-time, the Conservancy directly undertakes coordination and planning for several large, complex, or inter-jurisdictional projects and occasionally will carry out project work or acquisitions directly.

As a public entity, the Conservancy endeavors to ensure program accessibility for the projects it funds as well as for the agency's direct activities, such as project and Conservancy board meetings, which are open to the public, at various locations around the state and at its Oakland office.

### 1.3 Discrimination and Accessibility

This section provides an overview of physical and programmatic 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.

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<sup>1</sup> Public Resources Code (PRC), Division 20. California Coastal Act, Section 30001.5(c)

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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. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aids to beneficiaries, and provision of services at alternate sites.

Programs offered by the Conservancy to the public must be accessible. The Conservancy may achieve program accessibility by several methods:

- Structural methods such as altering an existing facility
- Acquisition or redesign of equipment
- Assignment of aids
- Providing services at alternate accessible sites

When choosing a method of providing program access, the Conservancy is required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the Conservancy must provide equality of opportunity.

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

The ADA Self-Evaluation and Transition Plan (Plan) is intended to provide a framework for the continuous improvement of the Conservancy's programs and facilities for people with disabilities. The Plan is a living document that should be updated as programs and services change, as barriers are removed, and as new projects and facilities are funded by the Conservancy.

Programs, activities, and services offered by the Conservancy to the public must be accessible for people with and without disabilities. Accessibility applies to all aspects of programs or services provided by the Conservancy, including:

- Customer Service
- Emergency Evacuation Procedures
- Facilities
- Notice Requirements
- Printed Information
- Public Meetings
- Telephones and Communication Devices
- Special Events on Public Properties
- Televised and Audiovisual Public Information
- Tours and Trips

- Training and Staffing
- Use of Consultants
- Website

The ADA **Self-Evaluation** for programmatic 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 Conservancy:

- Identifies the Conservancy's programs, activities, and services
- Reviews the policies, practices, and procedures that govern the administration of the Conservancy's programs, activities, and services
- Provides opportunity for public comment
- Makes the report available to the public
- Corrects any programs, activities, and services that are not consistent with the regulations

The **Transition Plan** is a document that outlines a strategy for the Conservancy to remove physical barriers. 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 the Conservancy's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible
- A schedule for taking the steps necessary to achieve compliance with title II of the ADA
- The opportunity for the public to participate in the development of the Transition Plan
- The name of the individual responsible for the Plan's implementation

## 1.5 Self-Evaluation

In 2017, the Conservancy evaluated its policies, programs, and procedures 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 divisions:

- Administrative Services
- Executive
- Human Resources
- Legal Unit
- Communications and Public Information
- Regional Program Managers

Findings for the Conservancy's programs, activities, and services can be found in Section 3.0 of this Plan beginning on page [3-24](#).

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## 1.6 Transition Plan and Facility Assessments

In 2017, the Conservancy conducted a physical audit of facilities to locate barriers to access and to identify recommendations and alterations to meet state and federal accessibility standards.

Many of the features in the Conservancy's inventory of facilities are outdoor recreation elements not covered by the provisions in the 2010 *ADA Standards for Accessible Design* or the 2016 California Building Code. The U.S. Access Board has developed the *ABA Accessibility Guidelines for Outdoor Developed Areas* (AGODA) for federal lands and agencies. The AGODA standards provides technical guidance for outdoor recreation elements. However, as of the time of publication of this Plan, these guidelines have not been adopted into the *ADA Standards for Accessible Design*, the document of technical standards that would mandate their use for state and local governments.

The California Division of the State Architect has provided direction within CBC Section 11B-246 for the development of accessible outdoor developed areas (camping facilities, beaches, day use areas and vista points, picnic areas, trails, and parking lots). The CBC references the *California State Parks Accessibility Guidelines*, which have incorporated both the 2010 Standards and AGODA. The CBC is directly applicable to the Conservancy and the projects it funds.

The standards used for the facility evaluations are the 2010 *ADA Standards for Accessible Design*, the 2016 California Building Code, and the *Accessibility Guidelines for Outdoor Developed Areas*. Building codes 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.

## 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 have occurred at the federal, state, and local levels and range in form from civil rights acts to building codes with technical standards for new construction and alterations. The technical standards have evolved from a beginning solely directed toward buildings and the public right-of-way to more recent expansions into outdoor recreation areas. These newer technical standards for recreation elements including recreational trails provide an exciting opportunity for people with disabilities to participate in activities outside the constructed urban environment.

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 private entities. The State of California has been an early developer and adopter of accessibility guidelines, and these state regulations have often exceeded 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, 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 (2010 Standards).*** DOJ regulations providing technical standards for the built environment. These regulations are updated periodically, and the 2010 Standards are current as of the time of this Plan's publication. The 2010 Standards do not include provisions for outdoor developed areas.

***Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) Accessibility Guidelines (ADAAG).*** In 2004, the U.S. Access Board published new design guidelines that cover access for people with disabilities under the ADA. These guidelines updated access requirements for a wide range of facilities in the public and private sectors covered by the law. They also include updated guidelines for federal facilities covered by the ABA.

***California Building 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.

***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 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 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 do apply to the Conservancy's programs and facilities. However, the Access Board

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intends for these guidelines for outdoor developed areas to be adopted and made applicable to non-federal outdoor sites covered by the ADA.

***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. 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*, which currently applies only to national parks and other outdoor areas directly developed by the federal government. AGODA was fully adopted into the 2015 ABA Standards and adopted by reference into the *California State Parks Accessibility Guidelines*.

***California State Parks Accessibility Guidelines (State Parks Guidelines)***. These guidelines define department policy and are a reference manual on technical standards for accessible design in the California State Parks System. The 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 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.

## 1.8 Exceptions to Compliance with Standards

### Undue Burden

The Conservancy 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 program participants or others; or would represent an undue financial and administrative burden.

A determination of undue financial or administrative burden can only be made by the head of the Conservancy or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use in the program or the Conservancy in its entirety. If an action would result in such an alteration or such burdens, the Conservancy must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

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

AGODA, the *Architectural Barriers Act Standards* that address outdoor developed areas including beach access, viewing areas, recreational trails and outdoor constructed features, recognizes the existence of constraints and limitations in the outdoor environment. It allows for

exceptions from specific provisions in its **technical requirements** where certain circumstances, referred to as *conditions for exceptions*, apply.

Although not yet adopted as standards under the ADA and thus, not explicitly binding on the Conservancy, it is recommended that the Conservancy 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.

Should the Conservancy determine that any of the conditions for exceptions do not permit full compliance with a specific provision in AGODA's technical requirements, compliance with that provision is required 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, a beach access route, 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>2</sup>

- 1. 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.
- 2. 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 particular type of setting. 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 type of setting 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.
- 3. 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

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<sup>2</sup> US Access Board. A Summary of Accessibility Standards for Federal Outdoor Developed Areas. Conditions for Exceptions [1019]. 2014.



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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.

**4. 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 (16 U.S.C. 1531 et seq.)
- National Environmental Policy Act (42 U.S.C. 4321 et seq.)
- National Historic Preservation Act (16 U.S.C. 470 et seq.)
- Wilderness Act (16 U.S.C. 1131 et seq.)
- Other federal, state, or local law 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. This will include the California Environmental Quality Act (CEQA)

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 on a Portion of a Trail or Beach Access Route***

When using the conditions for exceptions on a portion of trail or a beach access route, the project staff should document in writing why they could not fully comply with a specific provision in the technical requirements for trails or beach access routes and review the terms of the exception with the Conservancy's **ADA Coordinator**. The documentation should be retained with the project records. The documentation should include the date the decision is made and the names and positions of the people making the decision. If the Conservancy intends to use the Conditions for Exception at a site, it is recommended to contact the Access Board to discuss the situation and decision-making process.

## Exemptions for an Entire Trail or Beach Access Route

When extreme or numerous conditions for exceptions make it impractical to construct a trail or beach access route that complies with the technical requirements, the ABA Standards provide an exemption for the entire trail or beach access route. The exemption for an entire trail or beach access route can only be used after applying the conditions for exceptions to portions of the trail or beach access route. When determining whether to exempt an entire trail or beach access route, the portions of the trail or beach access route that can and cannot comply with the specific provisions in the technical requirements and the extent of compliance where full compliance cannot be achieved must be considered.

## Safe Harbor Provisions

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 (see Section 1.7 of this Plan on page [1-9](#))

The 2010 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 Standards allowed 54 inches maximum for a side reach range, while the 2010 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 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 may be applicable to title III entities like non-profits
- 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 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

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the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.<sup>3</sup> In California, the extent of required path of travel upgrades is subject to an annually adjusted valuation threshold based on the overall project cost of facility alterations regardless of federal safe harbor provisions.<sup>4</sup>

The 2010 Standards also identify structural elements that do not fall under the safe harbor provision [28 CFR § 35.150(b)(2)(ii)]. The elements, including recreational boating facilities and fishing piers and platforms, are not eligible for element-by-element safe harbor because technical or scoping specifications for them were not addressed in the 1991 ADA, but were added as supplemental requirements prior to 2010.

### **Resources**

- DOJ. "State and Local Government Facilities: Guidance on the Revisions to 28 CF" in *Guidance on the 2010 ADA Standards for Accessible Design* available at <https://www.ada.gov/regs2010/2010ADAStandards/Guidance2010ADAstandards.htm#titleII>

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

Amy Hutzal, Deputy Executive Officer of the Conservancy, is the agency's ADA Coordinator. As ADA Coordinator, she is responsible for organizing and communicating the Conservancy's efforts to fulfill its responsibilities under title II of the ADA. Her responsibilities include investigating complaints that the Conservancy has engaged in any action prohibited by title II. As the Plan is implemented over time, the Conservancy's 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 the DOJ. The name, office address, and telephone number of the Conservancy's ADA Coordinator must be provided to interested persons.

Section 1.2 of this Plan on page [1-2](#) outlines the legislative mandate for an ADA Coordinator. The following describe the characteristics of an effective ADA Coordinator who understands the Conservancy's organizational structure and the associated roles and responsibilities needed to maintain compliance with the ADA and ensure a successful Plan.

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

- Familiarity with the Conservancy'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

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<sup>3</sup> Title 28, Chapter 1, § 35.151(b)(4)(ii)(C) New construction and alterations.

<sup>4</sup> 2016 California Building Code Chapter 2 Valuation Threshold.

- Expertise in ADA regulations, standards, and guidelines for accessible design and all other applicable municipal, county, state, and federal disability non-discrimination requirements
- Experience with people with a broad range of disabilities
- Ability to work cooperatively within the state government, with local governments 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

### Typical Roles and Responsibilities of an ADA Coordinator

- Establishing and overseeing accessibility requests and discrimination complaints
- Conducting self-evaluation plans
- Coordinating the implementation of transition plans
- Monitoring and tracking ongoing progress in removing barriers
- Communicating policy to the public and within the Conservancy
- Coordinating ADA-related activities among an agency's divisions
- 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 agency resources, particularly in resolving complaints and providing reasonable modifications
- Coordinating the Conservancy's programs and tools for **effective communication**

### Resources

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

## 1.10 ADA Notice Requirements

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

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 Conservancy's programs, activities, or services. The audience is expansive and includes everyone who

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interacts – or would potentially interact – with the Conservancy, 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 Conservancy'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 an agency or 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 Conservancy's responsibilities under the ADA. Examples of ways to provide notice to interested persons include: publish the notice on the Conservancy's website, include the notice with job applications, and post the notice at all facilities. 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 proactive statement (such as the following example for a recreation agency) offers a more direct and open approach toward the inclusion of people with disabilities in a public entity's programs and creates greater awareness of its inclusive programs and services.

The Parks and Recreation Department is committed to the spirit and intent of the Americans with Disabilities Act. We will make every effort to ensure that youth, teens, and adults of all abilities are fully included in all our recreation programs, facilities, and parks. For questions about our accessibility program or how we may best meet your needs in any of our programs, please call our ADA Coordinator at (555) 555-5555.

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 on page [3-29](#) and the Conservancy's *Policy on Non-Discrimination on the Basis of Disability* is included on page [3-31](#).

### **Resources**

- *Model Notice 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/pccatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pccatoolkit/chap2toolkit.htm>

## 1.11 ADA Grievance Procedure

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

- A description of how and where a complaint under title II may be filed with the Conservancy
- 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 Conservancy
- Information on how to appeal an adverse decision
- A statement of how long complaint files will be retained

Once the Conservancy establishes a grievance procedure under the ADA, it should be distributed to all agency heads, posted in public spaces of public buildings and on the Conservancy's website, and updated when the complaint 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 starting on page [3-25](#).

### **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/pccatoolkit/chap2toolkit.pdf> and <https://www.ada.gov/pccatoolkit/chap2toolkit.htm>
- Northwest ADA Center Grievance Procedure <http://nwadacenter.org/toolkit/grievance-procedure>

## 1.12 Public Outreach

A public agency such as the Conservancy 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 and transition plan process. Many individuals with disabilities have unique perspectives on a public agency's programs, activities, and services.

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## Accessibility Information Web Page

The Conservancy has established an accessibility information web page, which features information about the development of its ADA Self-Evaluation and Transition Plan, the process, and ways to become involved in its preparation at <http://scc.ca.gov/about/accessibility/>. The following statement is posted on the web page in addition to information on how to file an accessibility complaint.

The Coastal Conservancy has initiated a project to review its policies, programs, services and facilities to produce an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. The Plan will include opportunities for members of the public to provide ideas, concerns and comments through this website.

The ADA Self-Evaluation will include a review of documents and policies to ensure that people with disabilities have access to the programs and services offered and managed by the Conservancy. The Plan will also evaluate and develop a plan to address physical barriers if they are found to be present in State Coastal Conservancy properties.

For more information, please contact the State Coastal Conservancy ADA Coordinator, Amy Hutzel at [amy.hutzel@scc.ca.gov](mailto:amy.hutzel@scc.ca.gov)

## Public Focus Groups

Two (2) focus group meetings were organized in April 2018 to provide input on the Draft Plan after it was reviewed by Conservancy staff. People with disabilities and people from organizations and agencies that serve people with disabilities in coastal communities throughout California were invited to participate. Meeting summaries for both the Northern and Southern California meetings are included in Appendix C of this Plan.

## Online Questionnaire

Participants from disability recreation groups and/or other stakeholders identified by the Conservancy throughout California were provided an opportunity for remote participation in the ADA Self-Evaluation and Transition Plan planning process. Using a web-based questionnaire, people were queried about the experiences and needs of people with disabilities regarding Conservancy policies, programs, and facilities and their priorities for removing barriers to access for people with disabilities. The questionnaire and a summary of major findings are also included in Appendix C of this Plan.

## 2. Definitions

For the purpose of this Plan, 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**.

**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*.

**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, recorded audio, and electronic formats like CDs and DVDs.

**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
- **A record of such 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



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- 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 financial or administrative burden on the Conservancy's operations, result in a fundamental alteration to the nature of the Conservancy's services, programs, or activities, or pose a direct threat to others.
  - 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

**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.

**Grievance Procedure.** These are procedures adopted by an agency for resolving grievances arising under title II of the ADA. Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner. A sample grievance procedure can be found on page 3-27.

**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. Standards issued under the ADA and ABA Standards 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>.



**Maintenance.** Routine or periodic repair of trails or trail segments to restore them to the standards to which they were originally designed and built. Maintenance does not change the original purpose, intent, or design of a trail.

**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.

**Path of Travel.** A path of travel is a continuous, unobstructed way of pedestrian passage by means of which a newly constructed or altered area may be approached, entered, and exited and which connects an area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of a facility. An accessible path of travel may consist of walks and sidewalks, curb ramps, and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators, and lifts; or a combination of these elements. Within the context of alterations, path of travel also includes restrooms, telephones, and drinking fountains serving the altered area.

**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.** 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*. Feasible.

**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, as well as 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.

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**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 Conservancy.

**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, practices, 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 a service animal by an individual with a disability at facilities that generally prohibit animals.

**Resource Impact.** Many of the Conservancy's facilities include sensitive habitats that can limit what improvement work can be done. Resource impact can include any permanent or temporary degradation of habitat or wildlife including removal or damage of native vegetation, sedimentation of waterways, or harassment of sensitive wildlife species. Resource impact can also be defined by other federal, state, or local environmental policies or legislation such as the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

**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.

**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. Guidance on the use of the term *service animal* in the 2010 Standards has been published online at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm).

**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 Requirements.** Specify 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, something 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.

**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.

**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

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and outdoor locomotion. Also referred to as a manual wheelchair, a power wheelchair, or an electric scooter.

## List of Acronyms

ABA – Architectural Barriers Act

ABA Standards – *Architectural Barriers Act (ABA) Standards*

ADA – Americans with Disabilities Act

ADAAG – *ADA and ABA Accessibility Guidelines*

AGODA – *Accessibility Guidelines: Outdoor Developed Areas*

ASL – American Sign Language

CBC – California Building Code

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

NEPA – National Environmental Policy Act

OPDMD – Other Power-Driven Mobility Device

TDD – Telecommunications Display Device

TRS – Telephone Relay Service or 711

TTY – Text Telephone

VRI – Video Remote Interpreting Services

VRS – Video Relay Service

# 3. Self-Evaluation of Policy and Programmatic Accessibility

## 3.1 Staff Questionnaire

Programs, activities, and services offered by the Conservancy to the public must be accessible. Accessibility applies to all aspects of a program or service.

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

- Administrative Services
- Executive
- Human Resources
- Legal Unit
- Communications and Public Information
- Regional Program Managers

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

### Programmatic Modifications

The ADA Coordinator, or designee, will follow-up with each division 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 division 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 – Agency-Wide Programs, Activities, and Services

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

- Customer Service
- Notice Requirements
- Printed Information
- Television and Audiovisual Information
- Website
- Telephones and Communication Devices
- Training and Staffing

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- Public Meetings
  - Tours and Trips
  - Contracting, Licensing, or Other Arrangements<sup>5</sup>
  - Emergency Evacuation Procedures
  - Programs and Facilities
  - Special Events and Private Events on Public Properties

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 Conservancy has many alternatives in selecting methods for providing accessible programs, activities, and services. Additional strategies for compliance can be found in the *ADA Best Practices Toolkit for State and Local Governments*.<sup>6</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>7</sup>

Although many people with disabilities can participate in Conservancy programs, such as public meetings, without any modifications, there may be factors that prevent others from fully participating. When needed and requested, the Conservancy 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 the use of adaptive equipment such as 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 Conservancy. 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

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<sup>5</sup> In the questionnaire, this category was called 'Use of Consultants.' It was updated here to more closely mirror regulatory language.

<sup>6</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>7</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.

board to a person who is deaf or has hearing loss or a speech disorder to use for communicating with staff.

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

Respondents from five divisions reported making modifications to standard operating procedures to include a person with a disability, but only one respondent reported that there is a formal procedure. Respondents from two divisions reported that accessibility requests are tracked. No divisions reported that they charge additional fees to modify programs, and no divisions have policies that would discriminate against a service animal. Ten of the 12 respondents, from five of the six divisions, reported that they consult or work with outside organizations that assist people with disabilities.

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

1. It is required that the Conservancy continue the policy of not charging an additional fee to the person requesting a program modification for their disability.<sup>8</sup>
2. It is required that the Conservancy adopt a policy of not excluding service animals in Conservancy facilities.<sup>9</sup> An exception may be made where the presence of an animal may have a detrimental impact on natural resources.
3. It is required that the Conservancy not exclude the use of wheeled mobility devices or OPDMDs in Conservancy facilities.<sup>10</sup> An exception may be made where the use of power-driven equipment may have a detrimental impact on public safety or natural resources.
4. It is required that the Conservancy continue to make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.<sup>11</sup>
5. It is required that the Conservancy establish a grievance procedure similar to the model notice that follows.<sup>12</sup> Additional resources are included in Section 1.11 of this Plan on page [1-15](#).

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<sup>8</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>9</sup> Title 28, Chapter 1, § 35.136 Service animals.

<sup>10</sup> Title 28, Chapter 1, § 35.136 Service animals.

<sup>11</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>12</sup> Additional information about the ADA grievance (or disability discrimination complaint) procedure can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.



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### ***Grievance Procedure***

Model Notice Provided by the Department of Justice

This Grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the State of California State Coastal Conservancy. The State of California's personnel policies govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Amy Hutzal, ADA Coordinator  
1515 Clay Street, Suite 1000, Oakland, CA 94612  
(510) 286-4180

Within 15 calendar days after receipt of the complaint, Amy Hutzal or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Amy Hutzal or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large-print format, braille, or audiotape. The response will explain the position of the Conservancy and offer options for substantive resolution of the complaint.

If the response by Amy Hutzal or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Conservancy's Executive Officer or his/her designee.

Within 15 calendar days after receipt of the appeal, the Conservancy's Executive Officer or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Conservancy's Executive Officer or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Amy Hutzal, the Conservancy's ADA Coordinator, or her designee, appeals to the Conservancy's Executive Officer or his/her designee, and responses from these two offices will be retained by the Conservancy for at least three years.

6. It is recommended that the Conservancy develop a process 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 Conservancy can provide this information on meeting notices and publicize it on their website. The Conservancy 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 Conservancy 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 Conservancy has established a minimum notice period of five 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 Conservancy holding in a remote or difficult-to-access location that is in a protected environment. The division 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 Conservancy's grievance procedure.

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- e. *Tracking requests.* The Conservancy can benefit from tracking the outcomes of all accessibility requests. The ADA Coordinator could analyze the program modifications the Conservancy 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.
7. It is recommended that the Conservancy:
- a. Assess the composition and needs of the population of people with disabilities.
  - b. Take the necessary steps to improve communication and outreach to increase the effective participation of community members with disabilities in all Conservancy programs and activities, as well as for guidance on planning, programs, and possible modifications.
  - c. Establish a relationship with organizations that provide services to people with disabilities to assist in communicating about accessible agency programs. Keep programs up-to-date through increased community involvement and relationships 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.
8. It is recommended that the Conservancy develop and publicize an accessible open space policy similar to the following. Additional information about developing policies regarding the use of service animals and OPDMDs is included *Resources* section of this Plan (service animals: [Section 5.8](#), page 5-77, and OPDMDs: [Section 5.9](#), page 5-79).

#### **Accessible Open Space**

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

In accordance with the ADA, the Conservancy accommodates service dogs wherever we allow public access.

#### **Notice Requirements**

Title II regulations require the Conservancy 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. State and local governments should provide the information on an ongoing basis, whenever necessary.<sup>13</sup>

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

Respondents from all six divisions reported that they are aware the agency has a non-discrimination statement including people with disabilities, but only three of 12 respondents reported that the statement is posted in a location that maximizes public exposure. Four respondents reported knowing the procedure for filing a discrimination complaint.

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

1. It is required that the Conservancy maintain the position of the ADA Coordinator.<sup>14</sup>
2. It is required that the Conservancy continue ensuring that interested persons can obtain information as to the existence and location of accessible services, activities, and facilities.<sup>15</sup>
3. It is required that the Conservancy provide the following or similar notice<sup>16</sup> to interested persons regarding the Conservancy's commitment to providing accessible services and resolving accessibility related complaints through its grievance procedure:<sup>17</sup>

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<sup>13</sup> See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

<sup>14</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>15</sup> Title 28, Chapter 1, § 35.163 Information and signage.

<sup>16</sup> The model notice and more details can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

<sup>17</sup> Title 28, Chapter 1, § 35.106 Notice.

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## **Policy on Non-Discrimination on the Basis of Disability**

Model Notice Provided by the Department of Justice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (ADA), the State Coastal Conservancy will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The State Coastal Conservancy 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:** The State Coastal Conservancy will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Conservancy'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:** The State Coastal Conservancy 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 the Conservancy's offices, 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 the State Coastal Conservancy, should contact Amy Hutzal at (510) 286-4180 as soon as possible but no later than five days before the scheduled event.

The ADA does not require the State Coastal Conservancy 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 the Conservancy is not accessible to persons with disabilities should be directed to Amy Hutzal at (510) 286-4180.

The Conservancy 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/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.

4. It is required that the Conservancy 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 Conservancy 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 Conservancy. The Conservancy 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 Conservancy's website
  - e. Posting the notice at all Conservancy 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>18</sup>

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<sup>18</sup> Details about public notice requirements can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

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6. It is recommended that if the Conservancy uses radio, newspaper, television, or mailings, the non-discrimination notice should be re-published and re-broadcasted periodically.
  7. It is recommended that the Conservancy make all staff aware of the public locations of the non-discrimination policy and the procedure for filing a disability discrimination complaint.
  8. It is recommended that the Conservancy provide different forms of contact information in the notice such as email addresses, a text telephone (TTY) number, and/or Telecommunications Relay Service (711) information.<sup>19</sup> As discussed in the *Telephones and Communication Devices* section of this Plan on page [3-37](#), 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 Conservancy include an abbreviated non-discrimination notice (in hard copy and web publications) that provides general information about Conservancy services, programs, or activities, similar to the following:

The Conservancy 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 non-discrimination 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.

Amy Hutzal, ADA Coordinator  
1515 Clay Street, Suite 1000, Oakland, CA 94612  
(510) 286-4180

## Printed Information

To meet the ADA's communication standards, the agency 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>20</sup>

## Self-Evaluation Findings:

Eleven of 12 respondents reported that their divisions produce printed materials made available to the public. Documents and publications are made available to people with visual disabilities through electronic copy, large-print format, or a reader. Only two respondents reported that

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<sup>19</sup> DOJ, Civil Rights Division, Disability Rights Section. *ADA Requirements: Effective Communication*. 2014. <https://www.ada.gov/effective-comm.htm>.

<sup>20</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

documents and publications are available in simple and easy-to-understand language for individuals with learning disabilities, and only some of the time. All divisions reported that images of people with disabilities are included in printed materials that include images of people.

**Required or Recommended Actions:**

1. It is required that the Conservancy 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>21</sup>
2. It is required that the Conservancy address all requests for other alternative formats for lengthy documents on an individual basis.<sup>22</sup>
3. It is required that the Conservancy not assign any additional costs for alternative forms of communication to a person with a disability requesting an alternative format.<sup>23</sup>
4. It is required that the Conservancy provide programmatic changes (such as staff assistance), upon request, to assist in filling out forms or when alternative formats are unavailable or infeasible.<sup>24</sup>
5. It is recommended to include the following notice on materials printed by the Conservancy that are made available to the public:

This publication can be made available in alternative formats, such as large-print, braille, or electronic format. Requests can be made by contacting Amy Hutzal at (510) 286-4180, or by using the 711 Telecommunications Relay Service. Please allow five days for your request to be processed.

6. It is recommended that the Conservancy provide instruction to each division 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 Conservancy 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 *Communications Assessment* section of this Plan on page [3-51](#).
7. It is recommended that the Conservancy produce documents and publications in a manner that uses easy-to-understand language, where possible.

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<sup>21</sup> Title 28, Chapter 1, § 35.160 General.

<sup>22</sup> Title 28, Chapter 1, § 35.160 General.

<sup>23</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>24</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.



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8. It is recommended that when images of people in general are part of a Conservancy brochure or publication, images of persons with disabilities are included.

### **Televised and Audiovisual Public Information**

Televised and audiovisual information is a means for disseminating public information through presentations produced by the Conservancy. 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>25</sup>

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

Respondents from five divisions reported that they present audiovisual material to the public, including webinars, videos, and PowerPoint. None of the respondents were aware of how audiovisual or televised materials are made accessible for people with disabilities, though one respondent assumed accessible formats would be provided upon request.

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

1. It is required that the Conservancy provide, when requested, alternatives to audio presentations for Conservancy programs and for audiovisual presentations produced by the Conservancy (including videos, films, and meetings) to ensure that persons who are deaf or have hearing loss can benefit from these presentations.<sup>26</sup>
2. It is recommended that when the Conservancy presents PowerPoint or other visual presentations, the presenter read the slides and describe the graphics. This will allow people who are blind or visually impaired to receive the information being presented.
3. It is recommended that the Conservancy provide instruction to each division 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.
4. It is recommended that when images of people in general are part of a Conservancy audiovisual presentation, images of persons with disabilities are included.

### **Website**

As people turn to the Internet as their primary source of information regarding services, programs, activities, and facilities, the Conservancy's website at <http://scc.ca.gov/> takes on increased importance as a communications tool. Providing online public access to Conservancy

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<sup>25</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

<sup>26</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.

publications is an effective means of reaching persons with disabilities.<sup>27</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>28</sup>

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

Information on the agency's website is created and managed by Conservancy staff, though some respondents reported that consultants also provide website updates and content. Examples of website content include details about the agency, contact information, photos, program overviews, Board meeting materials, and information about grants. Four respondents reported that the website does not contain information about the accessibility of facilities, and the remaining respondents were unsure whether this is provided. Respondents from four divisions reported that the website is usable by individuals with disabilities, though most respondents were unclear about this. The Conservancy underwent a review about two years ago to bring its website into compliance, so at least some sections are accessible. However, all respondents reported that they are unaware as to whether documents provided for downloading are accessible to people with disabilities.

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

1. It is recommended that the Conservancy periodically review the agency website 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. Preliminary analysis of the website identified few alerts, but this did not include an assessment of posted documents.<sup>29</sup>
2. It is recommended that the Conservancy publish the Policy of Non-Discrimination on the Basis of Disability (as described in the *Notice Requirements* section of this Plan on page [3-30](#)) on the Conservancy's website.
3. It is recommended that the Conservancy assign authority to one division to provide standards and oversight for outside vendors who create pages and for divisions that post their own documents. This will support consistent and accessible web pages.
4. It is recommended that the Conservancy increase outreach to persons with disabilities to identify website barriers and to ensure the website includes adequate information about the Conservancy's commitment to providing accessible services.

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<sup>27</sup> See <https://www.ada.gov/websites2.htm> and <https://www.ada.gov/pcatoolkit/chap5toolkit.htm>.

<sup>28</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.

<sup>29</sup> This analysis came from the Web Accessibility Evaluation Tool at <http://wave.webaim.org/>.

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5. It is recommended that the Conservancy identify and implement the technological resources to create accessible PDF and graphic files. Provide training to staff in creating accessible PDF and other electronic files for posting on the agency website. Additional information for developing accessible printed materials is included in this Plan in the *Communications Assessment* section on page [3-51](#) and the *Resources* section on page [5-71](#).
  6. It is recommended that the Conservancy provide information on its website about the accessibility of agency facilities.

## 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), **telecommunication display devices** (TDDs), or **telephone and video relay services** are still required for conducting effective communication with the public.<sup>30</sup>

### Self-Evaluation Findings:

Respondents from two divisions reported that they communicate by telephone with people who are deaf or who have hearing loss or speech disorders. Neither of these respondents reported that staff use TTY, but one reported that staff members use the California Relay Service (711). Neither reported that the TTY or California Relay Service numbers are published in materials where a phone number is listed. Staff is not trained in operating a TTY or other means of communicating by phone with people who are deaf or who have hearing loss or speech disorders.

### Required or Recommended Actions:

1. It is required where the Conservancy 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>31</sup>
2. It is required that Conservancy 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>32</sup>

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<sup>30</sup> See <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>.

<sup>31</sup> Title 28, Chapter 1, § 35.161 Telecommunications.

<sup>32</sup> Title 28, Chapter 1, § 35.161 Telecommunications.

3. It is required that Conservancy publications that list phone numbers also include information on how people who are deaf or who have hearing loss or a speech disorder can communicate with divisions by phone.<sup>33</sup>
4. It is recommended that Conservancy 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 Conservancy staff become familiar with Video Relay Service (VRS), a form of Telecommunications Relay Service 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 Conservancy 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.<sup>34</sup>

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 <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs> and TDI Online at <http://www.tdi-online.org/>.

## Training and Staffing

As a part of the Conservancy's ongoing staff development and training, the incorporation of disabilities awareness, standards, and resources is encouraged for all staff who interface with the public, whether in person, online, or over the telephone.

### Self-Evaluation Findings:

Respondents from five divisions have contact with the public. Some respondents indicated that employees are expected to know the State of California obligations to people with disabilities, but most respondents are not aware of training or a formal process for this. Most respondents reported that staff does not receive training on interacting with people with disabilities, or are not aware of whether this training occurs.

Conservancy staff received in-house ADA training as part of the development of the Conservancy's ADA Self-Evaluation and Transition Plan. The objectives of the Policies and Practices training (March 13, 2018) were to understand disability demographics and trends, to

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<sup>33</sup> Title 28, Chapter 1, § 35.161 Telecommunications; Title 28, Chapter 1, § 35.163 Information and signage.

<sup>34</sup> See <https://www.ada.gov/pcatoolkit/chap4toolkit.htm>.

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become familiar with the principles of accessibility, and to gain awareness of disability and communication principles. The objectives of the Accessible Facilities training (March 19, 2018) were to become familiar with the codes, standards, and guidelines for accessible facilities and to gain awareness of the relationship between codes, standards, and guidelines and the usability of the physical environment.

The Conservancy offered an online training session, *Designing Outdoor Environments that Work for Everybody*, on May 4, 2018. This webinar provided information about incorporating ADA into planning processes for outdoor facilities to design environments that work for everyone. Nearly 100 agency representatives, stakeholders, focus group participants, and other interested members of the public attended.

**Required or Recommended Actions:**

1. It is required that Conservancy staff members are knowledgeable in providing accessible services, programs, and activities for the public, and that accessible facilities are maintained in working order.<sup>35</sup>
2. It is recommended that the Conservancy:
  - a. Provide all staff members with ongoing awareness and sensitivity training.
  - b. Continue to provide training to Conservancy 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 Conservancy 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 Conservancy's accessibility policy manual.
  - c. Develop a comprehensive disability access training program. Educate all Conservancy staff about their responsibilities under the ADA. The Conservancy's ADA Coordinator and division supervisors 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 Conservancy's policy on 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.

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<sup>35</sup> Title 28, Chapter 1, § 35.160 General; Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

This training should emphasize basic communication skills and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.

- f. Train staff regarding basic accessibility compliance and building codes to maintain facilities in an accessible condition.
- g. Provide staff members with training in general building evacuation procedures for assisting persons with different types of disabilities in an emergency.

## 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 Conservancy. Where these meetings are held is an important consideration in meeting ADA requirements.

### Self-Evaluation Findings:

All respondents reported that the Conservancy holds public meetings. Respondents in five divisions reported that public meetings are required to be held in accessible locations, though several respondents did not know if this was a requirement. Seven respondents reported that ASL interpreters or adaptive equipment are available when requested with five days' notice, but five respondents were unaware as to whether these modifications are available. Two respondents reported that modifications are available for people who are deaf or have hearing loss, but the remaining 10 respondents were unaware of these options.

### Required or Recommended Actions:

1. It is required that the Conservancy hold public meetings in accessible facilities to accommodate the participation of people with mobility disabilities.<sup>36</sup>
2. It is required that the Conservancy provide agendas and other meeting materials in alternative formats, when requested.<sup>37</sup>
3. It is required that the Conservancy provide flexibility in the time limit on speaking for individuals with communication difficulties.<sup>38</sup>
4. It is required that the Conservancy has assistive listening devices available for public meetings where the sound at the meeting is amplified.<sup>39</sup>

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<sup>36</sup> Title 28, Chapter 1, § 35.160 General.

<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; 2010 Standards 219.2 Required Systems.

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5. It is recommended that the Conservancy display a notice on meeting agendas indicating the availability of accessibility modifications.
  6. It is recommended that the Conservancy 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 Conservancy move disability-related agenda items to the beginning of agendas when possible. Some people with disabilities are unable to stay late at meetings because they use paratransit, have fixed schedules, and/or need to use personal care attendants.
  8. It is recommended that the Conservancy 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 Conservancy develop a checklist and provide instruction to Conservancy 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 path-of-travel 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 Conservancy staff member be assigned as a greeter at public meetings and events and identified as a resource for persons who may require assistance.

## **Tours and Trips**

Many public agencies provide or facilitate tours and trips as part of their programs. Tours and trips are subject to title II regulations. The Conservancy 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 five divisions reported that the Conservancy organizes trips, with several noting that the Board visits four project sites per year as part of its meetings. Three respondents reported that the Conservancy has procedures to make trips accessible, but the remaining respondents were not aware of any procedures for trip accessibility. Two respondents reported that members of the public are required to provide their own transportation for Board tours.

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

1. It is required that the Conservancy modify tours or trips, when requested, to enable people with mobility, visual, speech, hearing, and cognitive disabilities to participate.<sup>40</sup> Tour materials must inform a person with a disability how to request an accessibility modification.
2. It is recommended that the Conservancy evaluate the destination of tours and trips as well as the means of transportation to determine accessibility, as well as any accommodations or modifications that may be required. If a tour route or portion of a route is not accessible and modifications are requested, the Conservancy should reroute the tour or provide alternate modifications that will allow the tour to be experienced (for example, photographs or closed-captioned videos).
3. It is recommended that the Conservancy 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.

### **Contracting, Licensing, or Other Arrangements**

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 Conservancy's services and are required to adhere to the same ADA regulations as the Conservancy.

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

Respondents from four divisions reported using consultants, such as those who coordinate some of the agency's meetings. Consultants are either not made aware of their obligation to facilitate participation of people with disabilities, or many respondents are not aware of whether this obligation is communicated.

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

1. It is required that contractors, licensees, consultants, and other entities providing or delivering services for the Conservancy adhere to the same ADA regulations as the Conservancy.<sup>41</sup>
2. It is recommended that the Conservancy ensure contractors, licensees, consultants, and other entities are aware of their obligation to make programs and activities accessible.
3. It is recommended that the Conservancy monitor programs and activities to ensure continued accessibility.

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<sup>40</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.

<sup>41</sup> Title 28, Chapter 1, § 35.130 General prohibitions against discrimination.



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4. It is recommended that the Conservancy provide a checklist and information to inform contractors, licensees, consultants, and other entities of their responsibility for accessibility under the ADA.

Additional information about planning and conducting accessible meetings and events is available from the Mayor's Office on Disability of the City and County of San Francisco's Accessible Public Event Checklist at <http://sfgov.org/mod/accessible-public-event-checklist> and the American Bar Association Commission on Disability Rights at [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).

## Grant Management

The Conservancy helps achieves its mission through awarding grants to public agencies and nonprofit organizations to undertake projects that further its goals.

### Self-Evaluation Findings:

One respondent reported that the Conservancy is contacted by local governments seeking funding to improve their facility accessibility. The Conservancy may award grants to public agencies and 501(c)(3) nonprofit organizations whose purposes are consistent with the Conservancy's enabling legislation – Division 21 of the California Public Resources Code – and the Conservancy's Project Selection Criteria.

### Required or Recommended Actions:

1. It is required that Conservancy ensure that individual grants are accomplishing the Conservancy's legislatively authorized purposes, including meeting the requirements of the ADA.
2. It is recommended that the Conservancy add a requirement to grant agreements that acknowledges the sole responsibility of grantees to comply with federal laws and other accessibility requirements including the ADA.
3. It is recommended that the Conservancy develop policies and procedures for evaluating grant applications, selecting projects, and reviewing performance reports for compliance with the ADA. Additional information and resources for Conservancy grant managers are included in Items for Consideration in Addressing Accessibility of Project and Grant Applications in [Section 5.7](#) of this Plan on page [5-76](#).

## Emergency Evacuation Procedures

Life and safety protocols and procedures are required to include plans for people with disabilities. The Conservancy is responsible for ensuring that staff are aware of these procedures and are trained to implement them during an emergency.<sup>42</sup>

### Self-Evaluation Findings:

Only one respondent reported that individuals with disabilities are notified of emergency and evacuation procedures. Ten respondents reported that they are either unaware of this notification or it is not provided.

### Required or Recommended Actions:

1. It is required that when the Conservancy develops guidelines and a plan for emergency evacuations, these include strategies for persons with disabilities in various types of emergency situations.<sup>43</sup> These plans should:
  - a. Address what to do when an alarm is triggered;
  - b. Establish meeting places for assistance and evacuation chairs;
  - c. Provide direction on what to do if assistance is not available; and
  - d. Establish floor captains.
2. It is required that when the Conservancy develops guidelines and a plan for emergency evacuations, staff receives training to safely evacuate persons with disabilities in various types of emergency situations.<sup>44</sup>
3. It is recommended to test the Conservancy's emergency plan by enlisting people with different disabilities to role-play during emergency simulations.
4. It is recommended to test the Conservancy's emergency evacuation procedures with periodic drills, both announced and unannounced.
5. It is recommended that the Conservancy:
  - a. Review existing emergency procedures to ensure that persons with disabilities can be alerted and that they can alert emergency service providers.

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<sup>42</sup> See <https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>.

<sup>43</sup> 42 U.S.C. § 12132; see generally, Title 28, Chapter 1, § 35.130, § 35.149.

<sup>44</sup> 42 U.S.C. § 12132; see generally, Title 28, Chapter 1, § 35.130, § 35.149.

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- b. Work with DGS, the Conservancy building manager, and with disability organizations to explore the use of other technologies such as audible exit signs for orientation and direction or vibrating paging systems.
  - c. Provide training for the Conservancy's emergency team public to enable them to communicate in basic ASL if there is an emergency condition and an area is being evacuated.
  - d. Take the necessary steps to ensure that the Conservancy's emergency team is aware of staff who may require special assistance in the event of an emergency.

Specific suggestions for evacuation plans and procedures can be found through the U.S. Access Board website at <http://www.ada.gov/emergencyprepguide.htm> and the Emergency Procedures for Employees with Disabilities in Office Occupancies document published by FEMA and the U.S. Fire Administration.

## Programs and Facilities

The public must be able to access programs, service, 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>45</sup> The identification of structural barriers in facilities like buildings and parks is a required element of accessibility.

### Self-Evaluation Findings:

Respondents from three divisions reported receiving requests for improving the accessibility of the San Francisco Bay Area Water Trail Program, so an accessibility report was completed.

### Required or Recommended Actions:

1. It is required that the Conservancy provide reasonable modifications to program participants with disabilities and to include individuals with disabilities in regular programs to the maximum extent possible.<sup>46</sup>
2. It is required that the Conservancy does not exclude individuals with disabilities from regular programs or require them to accept different or separate aids, benefits, or services, even if these are as effective as those provided to other individuals.<sup>47</sup>
3. It is required that the Conservancy modify standard policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the

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<sup>45</sup> Title 28, Chapter 1, § 35.164 Duties.

<sup>46</sup> Title 28, Chapter 1, §35.130 General prohibitions against discrimination.

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

program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others.<sup>48</sup>

4. It is required that when specific Conservancy 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>49</sup>
5. It is recommended that the Conservancy proactively identify opportunities to increase access to coastal lands for people with different types of disabilities.
6. It is recommended that the Conservancy increase outreach to persons with disabilities and the organizations that serve them to ensure program accessibility.
7. It is recommended that the Conservancy provide information about facility accessibility on agency publications, including the agency's website.
8. It is recommended that the Conservancy record and monitor requests relating to facility access. The ADA Coordinator could analyze accessibility requests periodically to look for global issues that can be addressed and problems that can be solved proactively.

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

All events on public property should be accessible to people with disabilities. When the Conservancy rents or allows use of its properties to a third party for special events, the responsibility for maintaining an accessible environment is temporarily deferred to the tenant.

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

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

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### Self-Evaluation Findings:

Respondents from three divisions reported that public special events are held on rare occasions. One respondent reported that private events are not held.

### Required or Recommended Actions:

1. It is recommended that the Conservancy provide training for staff members who organize public special events regarding their obligations to facilitate participation of individuals with disabilities in these events.
2. It is recommended that the Conservancy 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 Conservancy facilities.

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>.

## 3.2 Policy Review

The policy and program review was completed in 2017. Each policy and program reviewed is listed with recommendations for implementing specific improvements for providing access to Conservancy programs.

Table: Policy and Program Findings and Recommendations

Policy and Program	Reference	Findings and Recommendations
Standards and Recommendations for Accessway Location and Development	Standard No. 3 Access Easements: Construction and Location	<ul style="list-style-type: none"><li>• <i>Recommendation:</i> Consider increasing the minimum width of an accessway from 30 inches to 36 inches for a trail. 36 inches is minimum required by AGODA.</li><li>• <i>Recommendation:</i> Substitute the term <i>wheeled mobility device</i> for <i>wheelchair</i>.</li></ul>
	Standard No. 6 Lateral Accessways: Construction and Location	<i>Recommendation:</i> Substitute the term <i>people with disabilities</i> for <i>the handicapped</i> .

Policy and Program	Reference	Findings and Recommendations
Standards and Recommendations for Accessway Location and Development cont.	Standard No. 13 Barrier-Free Access	<i>Recommendation:</i> Substitute the term <i>mobility disability</i> for <i>mobility problems</i> .
2018-2022 Conservancy Strategic Plan Goals and Objectives	Explore the Coast Grant Program	<i>Finding:</i> Objective 2A: Implement projects that expand or enhance opportunities for access for people with disabilities to and along the coast and coastal trails.
	San Francisco Bay Area	<i>Finding:</i> Objective 15L: Implement projects that expand opportunities for access for people with disabilities to natural areas.
	Organizational	<i>Finding:</i> Increase coastal access for all Californians, by reducing barriers such as transportation and the cost of lodging, by providing information about visitor services, and by supporting organizations
Conservancy Grant and Contract Manual	Parts 1 and 2: Grants and Contracts	<i>Recommendation:</i> Consider adding a requirement that it is the sole responsibility of grantees and contractors to comply with federal laws (including the Americans with Disabilities Act)
	List of Referenced Forms and Models	<i>Finding:</i> Nondiscrimination Compliance Statement (STD 19) is a referenced standard.
Model Construction Grant Agreement 6/2017	Standard Provisions: Work Program	<i>Finding:</i> (Contracts require) Construction plans and specifications which have been certified by a licensed architect or registered engineer or approved by the grantee's Public Works Director.
	Standard Provisions: Project Completion	<i>Finding:</i> (Project Completion requires) An inspection report by a licensed architect or registered engineer or the grantee's Public Works Director certifying completion of the project according to the approved work program.
	Standard Provisions: Non-discrimination	<i>Finding:</i> During the performance of this agreement, the grantee and its contractors shall not deny the agreement's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical

Policy and Program	Reference	Findings and Recommendations
Model Construction Grant Agreement 6/2017 cont.	Standard Provisions: Non-discrimination cont.	disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
Public Meeting Notices	Agenda for September 28 Public Meeting in Fort Bragg	<p><i>Finding:</i> Any person who has a disability and requires reasonable modifications to participate in this public meeting should contact Taylor Samuelson no later than five days prior to meeting.</p> <p>Questions about the meeting or agenda can be directed to Taylor Samuelson at (510) 286-0343 or <a href="mailto:Taylor.Samuelson@scc.ca.gov">Taylor.Samuelson@scc.ca.gov</a> or at the Conservancy: 1515 Clay Street, Suite 1000, Oakland, CA 94612</p>
A Wheelchair Rider's Guide to the California Coast		<i>Finding:</i> Online and PDF versions are available from the Conservancy
Explore the Coast Grant Program Announcement & Application		<ul style="list-style-type: none"> <li><i>Finding:</i> The California State Coastal Conservancy (Conservancy) announces the availability of grants to public agencies, tribes and nonprofit organizations for grants that facilitate and enhance the public's opportunities to <i>Explore the Coast</i>. The purpose of this grant program is to support activities that allow more people to explore California's spectacular coast, improve the visitor experience or help the public to learn about natural, recreational, cultural and historic resources of the coast.</li> <li><i>Finding:</i> The grant program seeks to fund programs that meet one or more of the priorities including those that improve barrier-free access for persons with disabilities. This grant program does not fund construction of facilities.</li> </ul>

Policy and Program	Reference	Findings and Recommendations
California Sea Otter Fund Grant Application		<i>Recommendation:</i> Recommend that Conservancy staff address accessibility status and potential improvements in a report to the Board and for the public record
Conservancy Staff Recommendation Process	Staff-Rec Format Template.dotx	<i>Recommendation:</i> Recommend that Conservancy staff address accessibility status and potential improvements in a report to the Board and for the public record. The template includes narrative discussion of the project such as site description, which is an appropriate section to discuss current accessibility status under the caption of <i>Consistency with Conservancy’s Access Program Standards</i> .
California Coastal Trail Siting and Design Standards		<ul style="list-style-type: none"> <li>• <i>Finding:</i> The current definition states that “While primarily for pedestrians, the Trail also accommodates a variety of additional user groups, such as bicyclists, wheelchair users, equestrians, and others as opportunities allow.”</li> <li>• <i>Requirement:</i> People who use wheeled mobility devices or Other Power-Driven Mobility Devices are included in the definition of <i>Pedestrians</i>.</li> <li>• <i>Recommendation:</i> Consider adding a statement that acknowledges the benefit of accessible design for all trail users.</li> </ul>
California Coastal Trail Emblem and Signage Applications		<ul style="list-style-type: none"> <li>• <i>Requirement:</i> Ensure that the emblem and signage is free of glare and has adequate contrast with its background</li> <li>• <i>Recommendation:</i> Consider incorporating braille or other elements in the emblem and signage to assist people with visual disabilities.</li> </ul>

### Service Animals

The Conservancy does not have any policy that would discriminate against the use of a service animal.

The California Department of General Services (DGS), manager of the 1515 Clay Street Administrative Offices which includes the Conservancy Headquarters, does have a non-discrimination statement available on its website and publicizes that it does not exclude service animals from the facility.



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- It is recommended that the Conservancy develop a Service Animal policy.

Considerations for developing a Service Animal policy as identified by the DOJ can be found in the *Resources* section of this Plan on page [5-73](#).

### Other Power-Driven Mobility Devices (OPDMDs)

- It is recommended that the Conservancy develop an OPDMD policy for public access sites that it owns or manages.

Considerations for developing an OPDMD policy as identified by the DOJ can be found in the *Resources* section of this Plan on page [5-79](#).

## 3.3 Emergency Evacuation Procedures

The Conservancy has an operational Emergency Evacuation Plan for its offices in Oakland. The procedures have been reviewed and recommendations have been directed to staff. The Emergency Evacuation Plan will be included in the appendix of the Self-Evaluation and Transition Plan.

The duties of the 10th floor emergency team members include duties for *Special Category* person monitors. These monitors assist staff who are not physically able to evacuate the building into the stairwell *refuge area* and remain with them until firefighters arrive to help them out of the building. The monitor informs another member of safety staff that there is a person with a disability who needs assistance and instructs that staff member to tell firefighters that a person with disabilities is in the stairwell on the 10th floor immediately upon exiting the building.

1. It is recommended that the Conservancy consider instituting a voluntary, confidential registry of special category persons who may need individualized evacuation assistance or notification. If such a registry is adopted, the Conservancy should have procedures in place to ensure its voluntariness, guarantee confidentiality controls, and develop a process to update the registry.

### ***Emergency Sheltering:***

1. It is required that the Conservancy ensure that the shelter-in-place location is equipped with a back-up generator and a way to keep needed medications refrigerated (such as a refrigerator or a cooler with ice). A generator may be required for people whose disabilities require access to electricity and refrigeration, for example, for using life-sustaining medical devices, providing power to motorized wheeled mobility devices, and preserving certain medications, such as insulin.

### ***Communication:***

People who are deaf or who have hearing loss may not have access to audible information routinely made available to people in temporary shelters. Individuals who are blind or who have low vision will not be able to use printed notices, advisories, or other written information.

1. It is required that the Conservancy adopt procedures to provide accessible, effective communication for people who are deaf or who have hearing loss and for people with severe speech or language disorders.
2. It is required that Conservancy staff be trained regarding their responsibilities to read printed information, upon request, to persons who are blind or who have low vision.
3. It is recommended that Conservancy staff receive training on the basic procedures for providing accessible communication as needed, including exchanging notes or posting written announcements in addition to spoken announcements.

## 3.4 Communications Assessment

### Effective Communication

Members of the public communicate with, receive information from, and convey information to the Conservancy through public meetings and notices, identification and educational signs for facilities where the Conservancy owns interests and rights, publications, and the Conservancy's website.

1. It is required that the Conservancy provide equally effective ways of communicating with all people, including those who have vision, hearing, and/or speech disabilities.

### Public Meetings and Notices

The Conservancy conducts numerous public meetings at different locations around the state. Agendas and staff reports are publicly noticed on the Conservancy's website prior to each meeting, and staff reports are posted on the Conservancy Board Book Archives web page. Documents posted on the web are in a format that is accessible to people with a wide range of disabilities. Meetings are held in accessible facilities (parking, meeting rooms, and restrooms), and attendees are invited to contact the Conservancy before the meeting if special modifications are needed. The following text is included in all public meeting agendas:

Any person who has a disability and requires reasonable accommodation to participate in this public meeting should contact Taylor Samuelson no later than five days prior to meeting.

Questions about the meeting or agenda can be directed to Taylor Samuelson at (510) 286-4182 or Taylor.Samuelson@scc.ca.gov or at the Conservancy: 1550 Clay Street, Suite 1000, Oakland, CA 94612

This meeting notice and agenda may be accessed at <http://scc.ca.gov/public-meetings/>

### Signs

Identification, location, or directional signs and trailhead signs are a significant means of effective communication at Conservancy projects. Conservancy staff work with site

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owners/managers to determine suitable locations for sign installation. Site owners typically also work in conjunction with their own sign and interpretive specialists to create signs.

1. It is required that interior signs identifying permanent rooms and spaces at Conservancy facilities include both visual and tactile signs, such as raised characters and braille.
2. It is required that both interior and exterior visual signs at Conservancy facilities use clear language and be designed using easy-to-read fonts on a contrasting, non-glare background.
3. It is required that the Conservancy's permanent signs are placed at a height that will promote easy reading without obstructing passage or becoming a hazard for a person with a vision impairment.
4. It is recommended that permanent signs be placed in logical and visually unobstructed locations near decision points.

Resources for the accessible design of signs—including character and line spacing; font families, styles, heights and proportions; and contrast and color—are provided in the *Resources* section of this Plan on page [5-66](#). Additional guidance is provided by the California State Parks Accessibility Guidelines (2015), the BCDC's Shoreline Signs: Public Access Signage Guidelines (2005), and the Conservancy publication California Coastal Trail Emblem and Signage Applications (2006).

## Publications

Publications include printed and electronic versions of brochures, booklets, books, announcements, advertisements, park and trail maps, plans, technical reports, and newsletters. Many of the Conservancy's publications are available in printed and digital formats such as downloadable PDFs. *A Wheelchair Rider's Guide: Los Angeles and Orange County Coast* (Erick and Elisa Mikiten, 2001) is also available in an online interactive version.

1. It is required that the Conservancy provide, alternative formats of all publications in a timely manner upon request by a person with a disability.
2. It is recommended that the Conservancy consider the design of alternate formats, such as large-print or electronic format, when planning and creating a publication.
3. It is recommended that Conservancy publications with descriptive information regarding park or trail sites and facilities also include information about accessible site features and use the International Symbol of Accessibility (ISA) to locate accessible features on maps and in publication text.
4. It is recommended that the Conservancy review information about accessible site features to verify that they are compliant with applicable laws and guidelines before publication or online posting.

5. To encourage visitors to request assistance, it is recommended that Conservancy publications that describe activities, programs, services, or events also incorporate a standard statement such as the following:

The State Coastal Conservancy supports equal access. Prior to arrival, visitors with disabilities who need assistance should contact (insert contact name and phone number).

6. It is recommended that language used in Conservancy publications be straightforward, relevant, and easy to comprehend for people of all abilities.

Resources for the accessible design of publication and map content—including character and line spacing; font families, styles, heights and proportions; and contrast and color—are provided in the *Resources* section of this Plan on page [5-67](#).

### Using Templates

Working in partnership with accessible documents, assistive technology interprets words on the page and translates them to a computerized voice that reads the information. An accessible formatting structure organizes a document's content by establishing a hierarchy of information, with essential information identified as top-level and supporting information identified as lower levels. Tags are used to provide specific types of information such as descriptions of visual content and the organization of data arranged in tables. Illustrations, graphs, and tables.

1. It is required that the Conservancy's electronic documents be formatted using styling elements and tags to be accessible to users who rely on assistive technology such as screen readers.
2. It is recommended that the Conservancy develop well-formatted templates for document production to provide a solid foundation for creating and maintaining accessible documents in electronic formats and contribute to establishing a uniform brand for Conservancy publications.
3. It is recommended that Conservancy staff receive training on the use of templates and the logic behind the hierarchy of styles to ensure that templates are used effectively, and the materials produced are accessible to people with disabilities.

Below are key considerations when developing and using templates to create accessible documents. It is not an exhaustive list of criteria or tools, and more comprehensive guides for creating accessible documents are provided in the *Resources* section of this Plan on page [5-67](#).

#### ***Formatting Styles:***

Assistive technology such as screen readers or text-to-speech software does not interpret visual formatting. These programs rely on formatting styles and document structure settings to identify a hierarchy within the text, which the programs then use for navigation. When preparing an

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accessible MS Word document, writers can use the *Navigation Pane* or *Document Map* to determine if they're using Headings and Styles appropriately.

### ***Fonts***

ADA Standards 703.5 and CBC 11B-703.5 provide guidance for visual characters used for communication elements and features. The main principles are relevant to font and type selection for documents and publications produced by the Conservancy.

- *Contrast* – Characters should provide as much contrast with the background as possible and be light characters on a dark background or dark characters on a light background.
- *Case* – Characters should be uppercase or lowercase or a combination of both.
- *Style* – Characters should be conventional in form, not italic, oblique, script, highly decorative or unusual in form.
- *Character Proportions* – Characters should be selected from fonts where the width of the uppercase letter “O” is 55 percent minimum and 110 percent maximum of the height of the uppercase letter “I”.
- *Stroke Thickness* – Stroke thickness of the uppercase letter “I” should be 10 percent minimum and 30 percent maximum of character height.
- *Character Spacing* – Spacing between individual characters should be 10 percent minimum and 35 percent maximum of character height.

### ***Alternative Text for Images:***

Screen reader software is not able to interpret images into words. It depends on writer-defined alternative text to describe the idea an image or graphic is conveying. The following are specific recommendations for providing alternative text for three types of graphics or images.

- *Information Graphics* – image or graphic that contains information not represented in the adjacent text. The alternative text should succinctly communicate the same information, meaning, function or purpose as the graphic, not just describe its appearance.
- *Redundant Graphics* – image or graphic that contains information repeated in adjacent text or a caption associated with the image. For example, alternative text for the Conservancy logo in a letterhead would typically be “SCC Logo” if the adjacent text is “State Coastal Conservancy.”
- *Decorative Graphics* – image or graphic contains no necessary information for the document. It does not need alternative text and can be identified as background in the document structure.

### ***Identify Distinct Languages***

Identifying the appropriate proofing language for each section of a document that contains different languages is imperative. Screen readers use this tool to identify and read all languages correctly.

### ***Converting Files to PDF***

When converting an MS Word document or other working file into a PDF, it is important to do this by converting or saving the file as a PDF. Do not use the *Print to PDF* tool. It is best to save the document from MS Word using the *Export* tool and the *Create Adobe PDF* tab, which preserves the file's formatting structure when converting it to a PDF. The file can also be converted using the *Save As Adobe PDF* tool, but there are more likely to be inconsistencies in the converted PDF format.

### ***Analyzing Documents for Accessibility***

MS Word has a *Check Accessibility* tool in the Review pane and additional information about making documents accessible. It provides a preliminary first check rather than a comprehensive evaluation of document accessibility. The *Resources* section includes links to authoring and testing guides, checklists to help find and fix accessibility issues, and information on conducting formal tests and remediation on already-authored and formatted MS Word documents.

### **Conservancy Website**

The State of California's website (<http://scc.ca.gov/>) was developed in compliance with Section D of the California Government Code 11135. Code 11135 requires that all electronic and information technology developed or purchased by the State of California Government is accessible to people with disabilities. The various types of disabilities that may impact user interaction on the web include blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech or language disabilities, photosensitivity, and combinations of these. Different types of disabilities require different means by which people can access electronic information effectively.

### ***WCAG 2.0 Level AA***

The Conservancy's web page template conforms to the Web Content Accessibility Guidelines (WCAG) 2.0 AA (2008), which were incorporated by reference in the U.S. Access Board's Information and Communication Technology (ICT) Final Standards and Guidelines (2017). WCAG 2.0 explains how to make web content—such as text, images and sounds as well as the presentation of information—more accessible to people in general as well as those with a wide range of disabilities. Testable success criteria for inclusive design are provided for each guideline, and the AA level of conformance indicates that a web page has met the minimum level of accessibility and achieved broad accessibility for many situations.

WCAG 2.0 AA Guidelines and Success Criteria are organized under the following principles:

- 1. Information and user interface components must be presentable to users in ways they can perceive.**
  - Provide text alternatives for non-text content.
  - Provide captions and other alternatives for multimedia.
  - Create content that can be presented in different ways, including by assistive technologies, without losing meaning.

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- Make it easier for users to see and hear content.

**2. User interface components and navigation must be operable.**

- Make all functionality available from a keyboard.
- Give users enough time to read and use content.
- Do not use content that causes seizures.
- Help users navigate and find content.

**3. Information and the operation of user interface must be understandable.**

- Make text readable and understandable.
- Make content appear and operate in predictable ways.
- Help users avoid and correct mistakes.

**4. Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.**

- Maximize compatibility with current and future user tools

The following web page features increase the level of accessibility and empowerment to website users by creating a more accessible website and documents for the enjoyment of all.

***Photographs/Images***

Most photographs and images on the Conservancy website have Alternative Text “ALT” and/or “TITLE” attributes, which provide a written description when the user’s mouse pointer hovers over an image., This text description is accessible to screen readers and is also useful for people who have images turned off on their browser, in which case a description will display where the image would be.

***Breadcrumbs***

Located at the top and directly below the main navigation, Breadcrumbs provide a trail of where you are and where you have been. Breadcrumbs make it easier to navigate back to the root folder.

***Difficulty Accessing Material***

If website users have difficulty accessing any material on the Conservancy website, they can contact the webmaster in writing to work together to make the information available.

WAVE (Web Accessibility Evaluation Tool) is a free online means of evaluating a web page’s accessibility (see <http://wave.webaim.org/>).

1. It is recommended that the Conservancy employ WAVE to provide a baseline assessment of accessibility and then continue its use periodically to continue to provide an accessible website as changes and additions are made.

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# 4. Transition Plan

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, and/or service provided to the public are 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.

## Transition Plan for Facilities

The Transition Plan for the removal of structural barriers must contain the following information:

- Identification of the physical barriers impacting program access
- Identification of the specific barrier removal action(s)
- Identification of a schedule for barrier removal or providing program access
- Identification of party responsible for the plan's implementation

The specific structural modifications required to make programs accessible are listed in the facility reports located in the Appendix.

The Conservancy will accomplish barrier removals based on two strategies: 1) policy and procedure modifications to remove programmatic barriers, and, 2) maintenance and construction projects to remove structural barriers. The responsibility for ensuring barrier removal will reside with the Conservancy's ADA Coordinator. In compliance with the requirements of the ADA, the Conservancy will maintain in working order features that are required to provide access to individuals with disabilities.

When architectural barriers have been identified within a facility, the Conservancy is not required to remove those barriers as part of the Transition Plan where programmatic modifications can be made, where there are nearby and available equivalent accessible features, or there are no public programs or activities provided at that portion of the site. However, when an area with a primary function is being altered, existing barriers on the path of travel to this area must be removed to the maximum extent feasible.<sup>50</sup> In California, the extent of required path of travel upgrades is subject to an annually adjusted valuation threshold based on the overall project cost of facility alterations regardless of federal safe harbor provisions.<sup>51</sup> Additional information about the valuation threshold is included in the *Resources* section of this Plan on page [5-73](#).

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<sup>50</sup> Title 28, Chapter 1, § 35.151(b)(4) New construction and alterations.

<sup>51</sup> 2016 California Building Code Chapter 2 Valuation Threshold.

## Barrier Removal Scheduling

Barriers identified at Conservancy's facilities will be removed systematically based on program priorities. It is the intent of the Conservancy to address and remove barriers to accessibility based on the need for programmatic access, degree of complexity, and overall cost.

The Conservancy 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 Conservancy programs, and funding opportunities and constraints.

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 may include the installation of directional signs, adjustments to operating mechanisms, temporary modifications that increase access, or other actions that enable better access.

## 4.1 Facilities

The Conservancy is primarily a grant funding agency with limited modes of holding land interests. The Conservancy may accept dedication of and is a designated repository for lands, easements and other interests in land whose reservation is needed to meet California Coastal Act or San Francisco Bay Plan objectives, including interests required to provide public access to recreation and resources areas in the coastal zone. The Conservancy may also purchase and hold lands in conformance with agency objectives, including its statutory goal of providing public access to and along the coast.

These properties are not typically developed with features and amenities for public access, although some are available for public use. When a facility or easement is identified for development, the Conservancy will typically transfer ownership to another title II or title III entity, which will develop and manage the land or easement. The Conservancy may further support development of the site through grant funding; in these cases, ensuring compliance with applicable laws would be part of the funding process and would constitute a programmatic approach to providing public access for people with and without disabilities.

Easements—including conservation, agricultural, and public access easements—represent the majority of the properties that are associated with the Conservancy. Many of these easements have not been developed to provide features or amenities supporting public access and are not addressed in the Transition Plan.

Undeveloped public access easements include features that present barriers to public use including access by water only, access at low tide only, access via unsafe bluff tops, inaccessible social trails, and access only from private property. Some of the easements will never be developed and made accessible to the public. Some will be developed for public access in the future. If and when these easements are developed, the ensuing improvements must address access for people with disabilities. Prior to development, the Conservancy will address the facilities on easements that are useable at all with the following programmatic approaches:

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- Determine which undeveloped sites with access easements are useable at all and are suitable to be described as *undeveloped public access* and provide information for such sites to the public via website, signage at site, or other methods. Information may include availability of parking, distance from parking or public right-of-way to the undeveloped easement, type of pedestrian paths of travel to easement (none, beach surface, bluff, etc.), and other relevant information that would assist the public.
  - Inform visitors where nearby alternate accessible sites to the undeveloped access easements are located (nearby State Parks and local beaches, for example).
  - Identify and prioritize access easement sites for transfer/sale to other agencies/non-profits where developed accessible public access is needed in order to provide access to the coastal environment.

The Conservancy does own or hold easements on some lands that have been developed for public access, and these holdings are included in the Transition Plan.

The Americans with Disabilities Act applies to both owners and managers. State and local agencies are subject to title II of the ADA. Nonprofit and private entities are subject to title III of the ADA. State and local public agencies with more than 50 employees are required to develop, publish, and implement their own ADA Transition Plan. Nonprofit and private organizations are required to construct facilities and provide services consistent with the requirements of the ADA.

The Conservancy actively promotes access to coastal environments for all people. For example, every grant project approved by the Conservancy must meet its Strategic Plan. Objective (15L) in the 2018-2022 Coastal Conservancy Strategic Plan provides guidance to: “implement projects that expand or enhance opportunities for access for people with disabilities to and along the coast and coastal trails.” The Conservancy Grant and Contract Manual includes a Nondiscrimination Compliance Statement that includes persons with disabilities. The Explore the Coast Grant Program (ETC), an ongoing competitive grant program by which the Conservancy currently seeks to fund projects which provide public access to the coast, emphasizes that a priority of ETC is the improvement of access for persons with disabilities. Accordingly, the ETC Announcement and Application includes the following statement: “The grant program seeks to fund programs that meet one or more of the priorities including those that improve barrier free access for persons with disabilities”. This grant program does not fund construction of facilities.

A recommendation of this Plan is to continue to actively promote accessibility for people with disabilities to Conservancy programs and facilities through grants and contracts by adding the following statement to the Grant and Contract Manual:

It is the responsibility of grantees and contractors to comply with federal laws (including the Americans with Disabilities Act).

A list of items for consideration in project and grant applications that address accessibility for people with disabilities is included in the *Resources* section of this Plan on page [5-76](#).

## Facility Evaluations

The ADA barrier assessment of the following Conservancy-owned public access facilities and easements as well as the administrative offices that the Conservancy leases was completed in the fall of 2017. The assessment included an evaluation of all interior and exterior features of 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 ADA 2010 Standards, 2016 California Access Compliance Advisory Reference Manual (CBC), and 2015 Architectural Barriers Act (ABA) Standards for Outdoor Developed Areas were used to identify barriers at Conservancy facilities. Although building codes and standards are revised every few years, the barrier evaluations conducted in 2017 provide an assessment of current conditions as viewed by current code and a baseline for future barrier removal. The Conservancy will develop a process for evaluating and removing barriers from other accessways that are developed and open for public access.

The site evaluations were accomplished using a team of accessibility assessors equipped with measuring devices, facility diagrams, and evaluation checklists. Diagrammatic sketches of each site were annotated during the evaluation process and were included with the facility reports to the Conservancy. These resulting reports are located Appendix B of this document. These reports describe the conditions observed during the evaluation period. The information contained in these reports has been transferred to a barrier analysis workbook. The workbook is the living Transition Plan document and is the Conservancy's ongoing record of the remediation of barriers. The tracking tool will be updated over time as the Conservancy changes ownership status of the facility, removes barriers, or finds programmatic solutions to barriers. The record is maintained by the Coastal Conservancy's ADA Coordinator. For the current status of the remediation of barriers, contact the Conservancy's ADA Coordinator.

## 4.2 Criteria for Prioritizing Facilities

Prioritizing the removal of barriers in Conservancy facilities is an important component of developing and implementing an ADA Transition Plan. The following criteria were considered in the schedule for removing barriers.

- **Ownership and management status:** Public use facilities that are owned and managed by the Conservancy are included in the Transition Plan. Many Conservancy programs take place at sites it does not own or manage.
- **Relationship to Coastal Conservancy programs:** Facilities where Conservancy programs are available to the public. Many Conservancy facilities are held for conservation or agricultural preservation and are not open to public access.
- **Level of site development:** Facilities that have been developed with features and amenities to support public access. Where there is no site development, there are no physical or architectural barriers in need of remediation. Providing public access in the future will necessitate a plan for providing physical or programmatic access.
- **Level of use by the public:** Facilities that have a high level of public use are a higher priority.

- **Program uniqueness:** Some programs are unique to a specific environment or location and cannot occur at another location.
- **Geographic distribution:** Selecting a range of facilities that facilitate coastal or environmental experiences and that are distributed throughout the state.
- **Identified complaints:** Facilities that have a history of citizen complaints related to accessibility can be assigned a higher priority.

### 4.3 Transition Plan Schedule

The following table describes the schedule of priorities for barrier removal at Conservancy-owned facilities and easements. This schedule represents a 10-year plan for barrier removal.

The Conservancy intends to complete any maintenance<sup>52</sup> projects involving access barriers within the next one to three years. Small capital<sup>53</sup> projects, which can be handled in-house or by a contractor, will be completed within the next one to five years. Large capital<sup>54</sup> projects, which are longer term projects requiring the hiring of a contractor and applying for permits, will be completed in the next one to 10-years, subject to adequate funding availability, which varies over time dependent on source and legislative appropriations.

Table of barrier removal schedule for Conservancy facilities.

Location	Years 1 to 3	Years 1 to 5	Years 1 to 10
Administrative Offices, Alameda County	X		
Palco - Eureka Marsh Trail, Humboldt County			X
Escondido Beach Access, Los Angeles County	X		
Grenola Street Access, Los Angeles County	X		
Hamilton Wetlands, Marin County		X	
Moat Creek - Whiskey Shoals, Mendocino County		X	
Piedmont Circle, Huntington Harbour, Orange County		X	
Portofino Cove, Huntington Harbour, Orange County	X		
Cowell-Purisima Trail, San Mateo County	X		
Antonelli Pond / Synertek OTD, Santa Cruz County	X		

<sup>52</sup> Maintenance projects can be completed in-house for less than \$1,000.

<sup>53</sup> Small capital projects can be completed in-house or by using a contractor for \$1,000 to \$5,000.

<sup>54</sup> Large capital projects require the hiring of a contractor and applying for permits and are greater than \$5,000.

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## 5. Resources

### 5.1 California and National Organizations Supporting People with Disabilities

#### ***Access for All (San Luis Obispo County)***

<http://sloaccessforall.org/local-resources-for-people-with-disabilities/playget-fit/>

Promotes accessibility, acknowledges advocacy work, and provides connection between communities throughout San Luis Obispo County, including information and links to recreational activities for people with disabilities

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

<http://wheelingcalscoast.org/index.php>

Access Northern California (ANC) is a 501(c)3 non-profit organization working to increase opportunities and improve access to travel and outdoor recreation for people with disabilities and seniors throughout Northern California. ANC maintains an online interactive *Wheelchair Rider's Guide to the California Coast* in partnership with the Conservancy to provide easy access to outdoor adventures for wheeled mobility device riders, parents pushing strollers, and others who need accessibility features such as a wide, fairly level, and firm path of travel. 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.

#### ***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.

***Center for Solutions Through Research in Diet and Exercise (STRIDE) – CalPoly San Luis Obispo***

<https://stride.calpoly.edu/content/programs/activity4all/programs>

Dr. Kevin Taylor

[jktaylor@calpoly.edu](mailto:jktaylor@calpoly.edu)

The Activity4All Program (A4A) aims to provide community members of all levels of ability with opportunities for recreation and exercise. The program, which is staffed by Cal Poly kinesiology students enrolled in KINE 407 and volunteers, works to create fun and inclusive adapted physical activities. Currently, A4A focuses on three permanent programs:

- **EyeCycle**  
Created in 1999, this tandem cycling program allows visually impaired community members to experience the joy and exercise benefits of riding a bicycle. Students are trained to steer and maneuver tandem bicycles and are then paired with a blind or low-vision participant to ride around local San Luis Obispo trails.
- **Adapted Paddle Program (APP)**  
The APP provides the training and equipment necessary for disabled community members to successfully kayak in open waters. In 2001, the Christopher Reeve Paralysis Foundation awarded Dr. Taylor with a grant enabling him to purchase the necessary supplies to get this program up and running. Over the years, the APP has accumulated enough kayaks to allow for 12 students, two instructors and six participants to be involved with the program each quarter. Participants with various disabilities (including quadriplegia, paraplegia, amputation, muscular dystrophy, multiple sclerosis, cerebral palsy and spina bifida) practice basic paddling skills in a swimming pool before taking the exercise up a notch in the Morro Bay Estuary or the Santa Margarita Lake. While the program is primarily student run and overseen by faculty members, community members such as physical therapist Tom Reilly and occupational therapist John Lee have volunteered their time and expertise to make the program a success.
- **The Friday Club**  
Put on in conjunction with the San Luis Obispo Special Olympics, this Kinesiology 407 lab allows students to work with athletes of all ages and abilities, including children, adults and wheelchair athletes. Each week for three hours, Cal Poly students interact with Special Olympic athletes and teach them about a different sport or form of exercise at each meeting. This program gives participating disabled community members opportunities to exercise and enjoy physical activity while the kinesiology students gain valuable experience working with people who have special needs.

This program also works closely with the Cal Poly Engineering department to design and execute the construction of many of these adapted activities.



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### ***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.

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

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

Provides outdoor trips specifically for people with HIV and AIDS.

### ***Marin County Open Space District (MCOSD)***

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

In 2016 the MCOSD 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 MCOSD manages 34 open space preserves offering visitors outstanding scenic vistas, redwood groves, cascading waterfalls, opportunities for wildlife viewing, and other natural amenities. Preserves are managed primarily for natural resource preservation and, with the exception of trails used by pedestrians, mountain bicyclists, and equestrians, do not contain recreational facilities of the type found in parks. The MCOSD manages approximately 16,000 acres of land. The ***Inclusive Access Plan*** provides a mechanism for identifying opportunities to improve access to its preserve trail system for all users regardless of their abilities or age. The draft final plan documents are available for download from the web page above.

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

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

Founded on the belief that recreation, fun, challenge and 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 or who are deaf, late deafened, or deaf blind. TDI encourages accessible applications of existing and emerging technologies in all sectors of the community, advises on and promotes the uniformity of standards for telecommunications and media technologies, and networks and collaborates with other disability organizations, government, industry and academia.

## **5.2 Guidance Documents and Organizations—General**

AbleData (assistive technology)

<http://www.abledata.com/abledata.cfm>

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

<http://americantrails.org/resources/statetrails/CAstate.html>

ASSISTIVETECH.NET -- The National Public Website on Assistive Technology

<http://www.assistivetech.net/>

Disabled Sports USA, Challenge Magazine

<http://www.disabledsportsusa.org/about/news/challenge-magazine/>

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)

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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/resources/>

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>

North Carolina State University: The Center for Universal Design

<https://projects.ncsu.edu/ncsu/design/cud/>

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. 0623-2801-MTDC. 2006.

<http://www.fs.fed.us/recreation/programs/accessibility/htmlpubs/htm06232801/>

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 Guidance Documents and Articles—Web Design

### ***National Center for Accessible Media (NCAM)***

NCAM is a research and development facility dedicated to addressing barriers to media and emerging technologies for people with disabilities in their homes, schools, workplaces, and communities. NCAM is part of the Media Access Group at Boston public broadcaster WGBH, which includes two production units, The Caption Center (est. 1972) and Descriptive Video Service® (DVS®) (est. 1990). Tools and guidelines for creating accessible media can be downloaded from the NCAM website ([http://ncam.wgbh.org/invent\\_build/web\\_multimedia/tools-guidelines](http://ncam.wgbh.org/invent_build/web_multimedia/tools-guidelines)).

### ***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>
- Recommendation on Accessibility Standards for California State Web Pages. 2006. [https://webtools.ca.gov/wp-content/uploads/sites/7/2012/07/IOUCA\\_Accessibility\\_Recommendation\\_Adopted\\_0714\\_06.pdf](https://webtools.ca.gov/wp-content/uploads/sites/7/2012/07/IOUCA_Accessibility_Recommendation_Adopted_0714_06.pdf)
- Policy Notice: Web Site Development Guidelines. January 23, 2007. <https://webtools.ca.gov/wp-content/uploads/sites/7/2012/07/WebPolicy.pdf>

### ***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/>).

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- 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/>

## 5.4 Guidance Documents and Articles—Signage

American Printing House for the Blind, Inc. (APH). APH Tactile Graphic Image Library.  
<http://www.aph.org/tgii/>

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)

State Coastal Conservancy. California Coastal Trail Emblem and Signage Applications. 2006.  
[http://www.californiacoastaltrail.info/pdf/CCT\\_guidelines\\_final.pdf](http://www.californiacoastaltrail.info/pdf/CCT_guidelines_final.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

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/hfc/pdf/waysides/wayside-guide-first-edition.pdf>
- Programmatic Accessibility Guidelines for National Park Service Interpretive Media, v2.3. 2017. <https://www.nps.gov/hfc/accessibility/guidelines/>

## 5.5 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/content/build/create-accessible-documents>. Guidance from the Accessible Electronic Document Community of Practice (AED COP) on creating and testing accessible MS Word documents includes:

- Section 508 Basic Authoring and Testing Guides, MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>
- Basic Authoring and Testing Checklists, MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>
- Baseline Tests for Accessible Electronic Documents—MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>

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)

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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>

U. S. Department of Veterans Affairs, Section 508 Support Office. Creating Accessible PDFs with Adobe Acrobat Professional. 2016. <https://www.section508.va.gov/support/tutorials/pdf/index.asp>

## 5.6 Federal, State and Local Laws, Standards, and Ordinances

There are both state and federal regulations for accessible facilities. Below are resources for both the State of California and federal facility regulations.

### ***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 DOJ 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)
- 1991 ADA Standards for Accessible Design, 1991 [https://www.ada.gov/1991ADASTandards\\_index.htm](https://www.ada.gov/1991ADASTandards_index.htm)
- 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/pcatoolkit/abouttoolkit.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)
- 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>



***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>
- 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)
- 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>
- Uniform Federal Accessibility Standards (UFAS), August 1984 (amended May 1985, April 1986)  
<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>



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## *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 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)
- **2016 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 California Building Code Chapter 2 definition of VALUATION THRESHOLD, the 2018 valuation threshold is \$161,298.00 and will be updated again in January 2019.

### ***Natural, Cultural, and Historic 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>

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## 5.7 Items for Consideration in Addressing Accessibility of Project and Grant Applications

The following checklist items can be used during the review process for grants and projects.

- Project will expand or provide new opportunities for people with disabilities to access or experience the Coast
- Accessible pedestrian path of travel to facility entrances and site activity areas
- Accessible parking (if provided) located near the entrance or activity area
- Accessible restrooms (if provided)
- Accessible program elements (boat launch, trail, picnicking, etc.)
- Accessible amenities (drinking fountains, benches, etc.)
- Availability of public transportation to the site
- Opportunities to engage people with disabilities in the planning and design process (accessible public meetings, focus groups, etc.)
- Information for the public is available in accessible formats (website, signs, printed material)
- Information about the accessibility of facilities is available to the public (website, signs, printed material)
- People with disabilities will be served in integrated settings; people with disabilities will participate in the programs and services alongside people without disabilities
- If people with disabilities are served separately from others, doing so meets the legal requirement that this be necessary for people with disabilities to have opportunities as effective as those provided to others
- If permissible separate programs exist, people with disabilities are not required to participate in such programs
- Pictures and graphics in marketing materials include positive images of people with disabilities
- The grantee, if a public agency, has a current ADA Self Evaluation and Transition Plan

## 5.8 Service Animal Policies

Considerations for the development of a Service Animal policy and a sample 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 dogs to assist with everyday life.

*Service animals are dogs that are individually trained to perform tasks for persons who have qualifying disabilities under the ADA, including physical, sensory, psychiatric, intellectual, or other mental disability.*

– DOJ's Definition of Service Animal

In 2010, the ADA updated regulations covering service animals. The definition limited animals to dogs, but also included miniature horses when conditions are appropriate.

- 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 particular 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 exclude 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; many species sense dogs as predators and expend valuable energy to flee or seek cover.
- The task(s) performed by the dog must be directly related to the person's disability.
- The dog must be trained to take a specific action when needed to assist the person with a disability. The dog does not have to be professionally trained by others.
- Emotional support or companion dogs and animals are not considered service animals under the ADA or California state law
- Agency staff may ask only two specific questions: (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog 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

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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. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. If the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

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

*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 impairment 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.

If an entity wishes to control OPDMD access, the agency must determine parameters for defining OPDMDs that are acceptable for use at their facilities. Consideration for environmental impact and public safety are paramount for the sensitive resources found on most Conservancy 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.

**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.

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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 non-disabled person 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) a valid, state-issued disability parking placard or card
- b) other state-issued proof of disability
- c) other federal-issued proof of disability (National Parks and Federal Recreational Lands Access Pass)
- d) 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, bikes, and equestrians. OPDMDs are not allowed in areas closed to the general 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.