

EMC2 Playgrounds and Accessibility
4010 Hudson Drive
Hoffman Estates, IL 60192
Mc2playaccess@aol.com

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Farhad Madani
Assistant Director
City of Austin Parks & Recreation Department
200 S. Lamar Boulevard
Austin, TX 78704

Dear Farhad:

It was a pleasure to walk through Barton Springs yesterday with you. The City of Austin should truly be proud of this unique facility, and it was clear from the remarks of patrons that the residents of Austin enjoy and appreciate the Department's efforts to maintain this facility.

That said, I believe there are some simple improvements that are necessary under title II of the Americans with Disabilities Act. Additionally, there are some best practices that would make the facility much more usable by Austin residents with disabilities, at nominal cost. I'll review both the required changes and some suggested "best practices" that could make Barton Springs more enjoyable for everyone.

General Issues

There are more than 85,000 units of local government in the United States. All, regardless of whether they have received federal funds, are subject to title II of the Americans with Disabilities Act (ADA). The ADA was signed into law in 1990 and for units of local government, became effective January 26, 1992. This broad federal civil rights law is complaint-driven, although there have been initiatives by the US Department of Justice (DOJ) to enforce compliance. The title II regulation issued by the DOJ can be found at 28 CFR Part 35.

Under the ADA, *all new construction is to comply* with either the Americans with Disabilities Act Accessibility Guidelines (ADAAG), or if the City of Austin chooses, an older accessibility requirement known as the Uniform Federal Accessibility Standards (UFAS). (See 28 CFR Part 35.151(c)) Most entities choose ADAAG as it is the more recent standard and incorporates more technological solutions for access. Additionally, the DOJ has signaled its intention to eliminate UFAS as a title II option.

Under the ADA, *existing facilities such as Barton Springs* are subject to other requirements. Congress recognized that not every existing facility needs to be made accessible. ~~Instead~~, the program or service inside the facility is what should be made available to Austin residents. This approach is described

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within 28 CFR Part 35.150(a) and is known as the “program access” approach. It requires the City of Austin to view the program in its entirety instead of just on a site-by-site basis. The methods for this approach are found at 28 CFR Part 35.150(b).

For example, if the City of Austin operates 20 swimming pools across the community, and all have roughly the same features, the program access approach drives Parks and Recreation to identify a number of pools (I usually recommend between 1 of every 3 at the minimum and 1 of every 2 at the maximum) scattered throughout the City and make those accessible so that swimming is accessible. However, the difficulty with Barton Springs is that it such a unique facility. There is no other facility like it to give you flexibility in making its services accessible. It is my belief that unique facilities like Barton Springs must be retrofitted for accessibility.

Under the ADA, if the City *alters or adds to a site*, the altered area must be made accessible and a “path of travel” that connects the alteration or new element to other accessible features at the site must be created. See 28 CFR Part 35.150(b). An alteration is defined as a change that affects the use of the facility and is not simple maintenance. The amount of resources expended on the path of travel can be limited to 20% of the alteration project. For example, a \$50,000 alteration could require an additional \$10,000 for path of travel. Of course the City can always choose to exceed the minimum requirements.

By the way, ADAAG and all related Access Board final guidelines have been consolidated into one document. It is the ADA/ABA Guidelines. It is to that document that I refer for design requirements.

Barton Springs General

The Barton Springs south entrance poses some unusually difficult access problems. The relatively steep slope of the hill, the nearby dense foliage, and the exposed tree roots, combine in a way to make me believe the creation of an accessible route at the south entrance is infeasible. Note that I don't say impossible...every architect and engineer will tell you that it *can* be done. However I think a concentration on the north entrance that includes some physical barrier removal and some policy changes is a better approach.

Barton Springs South Entrance

I do not suggest that ADA/ABA or title II require the City to make the Barton Springs south entrance accessible. Everything at Barton Springs can be reached, in an admittedly long route, from a modified north entrance. In 28 CFR Part 35.163(b), the City is required to post signage at entrances to facilities that are not accessible. This signage should direct users to the accessible entrances, in this instance, the north entrance. There is no such signage and it should be installed as soon as is possible.

While we were at the site, you mentioned that the issue of adding restrooms at the south entrance has been discussed. I'd suggest that doing so is an alteration that triggers the required path of travel.

Barton Springs North Entrance

I do suggest some physical changes are needed for ADA/ABA compliance and some policy changes are necessary for title II compliance. I'll describe each below.

1. Parking

We did not visit the north parking lot, as we parked and entered Barton Springs from the south. So...just as a reminder...be certain that an adequate number of stalls comply with the parking requirements in section 208 and section 502 of the 2004 consolidated ADA/ABA Guidelines published by the US Access Board. Section 208 (scoping) will tell the City how many accessible stalls are required and section 502 (technical specifications) will describe in detail every characteristic of an accessible stall, including width, signage, adjacent space requirements, proximity to the entrance, and more.

2. Accessible Route from Parking

It is imperative that an accessible route from the accessible parking stalls to the pool entrance be constructed of a firm, stable, and slip resistant material. Crushed stone that drains and is well maintained, or concrete, or asphalt, are all good examples. See ADA/ABA section 206 for accessible route scoping and ADA/ABA section 402 technical specifications.

3. Entrance

The entrance to the pool complex winds up a curved ramp. We did not have tools for measurement but I believe the curved ramp was a bit too steep. The maximum slope is 1:12. There appeared to be adequate space to reconstruct and lengthen the curving entrance ramp. See ADA/ABA 206.4 for the scoping requirements and ADA/ABA 404.1 for technical provisions.

4. Exit

The current exit is a turnstile that is too narrow for compliance. However, I believe that removing the current turnstile and creating a larger fenced turnstile, immediately adjacent to the current turnstile, could be accessible. The slab outside the turnstile should work well as a base for the new turnstile. See ADA/ABA 206.4 for the scoping requirements and ADA/ABA 404.1 for technical provisions.

5. Interior Accessible Route

The accessible route from the ticket counter down through the ramp and onto the "deck" is a good route but is in need of some improvements. Again, we did not have tools for measurement.

But I believe that the running slope of some of the route segments are steeper than 1:12. Further, at the transitions of quite a few segments, changes in level in excess of 1/4th of an inch occur. ADA/ABA permits changes in level of 1/4" or less, but between 1/4th" and 1/2" the change is to be beveled and changes of 1/2" or more are to be ramped. See ADA/ABA 402 for the technical specifications.

There were also some cross slopes in excess of 402 requirements. Again we did not have tools for measurement.

6. Locker Rooms

We did not visually inspect the locker room interiors. However, ADA/ABA 222 scoping requirements would apply, and ADA/ABA section 803 provides the technical specifications.

7. Counter Heights

It appeared that most counters used for customer transactions were higher than 36". Again we did not have tools for measurement. However ADA/ABA 222 provides scoping guidance and ADA/ABA section 904 includes technical specifications.

In the alternative to reduced height service counters, Barton Springs concession staff must be trained to come around the counter to greet customers with mobility impairments, take orders, accept payment, deliver food and beverages, and provide other services available at the counter.

8. Water Access

This is one of the key areas of this report. The reason people go to Barton Springs is to get in the water. The more accessible points of entry into the water, the better. This is especially true of such a unique facility. Not many aquatic facilities are more than 3 football fields in length.

ADA/ABA Guidelines 242 addresses scoping of means of entry into the water. Please remember this is a minimum standard. It requires 2 means of entry for every pool with more than 300 linear feet of pool wall. Means of water access are limited to a pool lift, sloped entries, transfer platforms, transfer walls, and pool stairs.

Currently, a sloped entry that likely complies with 1009.3.1 is available on the north side of the pool. However, again we did not have tools for measurement and this should be evaluated by Department staff. Additionally there are several sets of pool stairs and while these likely meet the requirements in 1009.6, again we did not have tools for measurement and these should be evaluated by Department staff. The riser height on pool stairs is limited to a 7" maximum and all risers must be the same height.

With a compliant sloped entry and a compliant set of pool stairs, Barton Springs meets the minimum scoping requirements. *However, I'd suggest you exceed the minimum here.*

The size of this swimming surface almost demands it. And, if a south entrance accessible route is unlikely, exceed the minimum and add at least one of not two additional means of water access. As you and I looked across from the north side, we identified a spot on the south deck between the diving board area and the first guard chair. That would be an ideal location for a swimming pool lift. I would even suggest that a location for a second swimming pool lift be considered, perhaps on the north side but at the end opposite the sloped entry. In the alternative, select a site and add a transfer wall or transfer platform.

Swimming pool lifts are readily available commercially and easy to install. I have highlighted the requirements regarding pool lifts below.

1009.2.7 Operation. The lift shall be capable of *unassisted operation* from both the deck and water levels. Controls and operating mechanisms shall be unobstructed when the lift is in use and shall comply with 309.4.

The requirement for unassisted operation is important and should guide you in the purchase of a compliant lift.

The technical provisions for all of these means of access do require adequate maneuvering space and a space to leave a mobility device while using the means of water access. You have plenty of deck space for compliance.

9. Accessible Route to Concession Area

I would suggest that the concession area also needs an accessible route, instead of a path through the dirt. There is some obvious awareness of access issues, as one of the picnic table platforms has a small and probably compliant ramp leading to the table, and a space for a wheelchair user to pull up to the table. But dirt does not an accessible route make.

10. Website and Publications

I read with interest the Barton Springs website link on the Parks and Recreation Department home page. The efforts of the Department in all areas related to the maintenance of this unique facility are to be commended.

I am unable to determine whether the website meets existing requirements for an accessible website. I am sure that the City ADA Coordinator is familiar with these requirements and could determine an answer.

One addition I would suggest for the Barton Springs web page is a discussion about accessibility. Highlight the existing sloped entry. The web page should proudly discuss the access features at Barton Springs.

A couple of suggestions...note the availability of water wheelchairs from the front office. Show the location of the accessible pool stairs. And, if you accept the recommendations in this report, the web page could discuss how you'll address the changes in level in the existing interior accessible route and how you'll add a swimming pool lift to make water access more achievable.

I believe these additions would also help the Department offset the lack of an accessible route and accessible entrance on the south side of Barton Springs.

11. Parking Policy

One drawback to the lack of an accessible south entrance is that parking at the north entrance requires a \$3 fee, while south entrance parking is free. That makes it unfair for a person with a disability, as the only entrance that is accessible is the entrance that charges a \$3 fee.

This is simple to resolve. Barton Springs staff should waive the \$3 parking fee for patrons with a mobility impairment or impaired vision. Patrons with other disabilities arguably can park at the south entrance and come down the bluff to the Springs. Patrons with mobility impairments and impaired vision arguably cannot or have a much more difficult time doing so. Staff should be empowered and encouraged to waive the parking fee.

12. Customer Feedback

As one last suggestion, I'd encourage the Department to invite feedback from people with disabilities who use Barton Springs and also from others with disabilities who don't use Barton Springs. This could be accomplished through the use of focus groups specifically about Barton Springs or about Department activities in general. It would be interesting to compare perceptions about Barton Springs by people with and without disabilities.

The perceived lack of access may keep many people away, so it is important to reach out in this effort to groups not currently using Barton Springs. Austin has an active disability community...invite their feedback and involvement in whatever your plans become.

Conclusion

Farhad, thanks for the opportunity to visit such a unique facility. I owe many favors to the Austin Parks and Recreation Department and am happy to provide this report to you at no cost. If there are any questions about this report, please reach me and I'd be happy to clarify any of my suggestions.

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I look forward to hearing from you, and on a visit in the near future, seeing a more accessible Barton Springs.

Sincerely,

John N. McGovern

John N. McGovern, J.D.
Consultant
EMC2 Playgrounds and Accessibility

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