



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

**New York State Office of Parks,
Recreation and Historic Preservation**

Albany, New York 12238
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October 23, 2012

Mr. John F. Buyce, CPA
Audit Director
Office of the State Comptroller
State Audit Bureau
110 State Street
Albany, N.Y. 12236

Dear Mr. Buyce,

We have reviewed your Final Audit Report for audit 2012-S-29 entitled "*Park Safety.*" A detailed staff response including comments is attached.

Thank you for the opportunity to respond to your findings. If you have any questions regarding the Agency's response, please contact Brian D. Jackson at (518) 473-3390.

Sincerely,

Mindy Scott
Deputy Commissioner for
Finance and Administration

cc: Commissioner Harvey
Andy Beers
Marc Talluto
Chris Pushkarsh
John Orsini
Brian Jackson

**New York State Office of Parks, Recreation & Historic Preservation
Response to the Office of the State Comptroller's Final Audit Findings
Audit 2012-S-29 Safety of Infrastructure**

The Office of Parks, Recreation & Historic Preservation's (OPRHP) response to the Office of the State Comptroller's (OSC) final audit report number 2012-S-29, entitled "*Park Safety*" is presented below. OPRHP has reviewed the findings and recommendations presented in the final audit report. In the following sections, we have noted the portions of the report where we feel the need to clarify the described conditions, findings and recommendations.

OPRHP Comments

The draft audit report indicated that OPRHP had an operating budget of \$214.3 million for fiscal year 2011/12. In actuality, the \$214.3 million represents the appropriation; the actual operating budget for this period was only \$183 million which included \$109 million from the General Fund. The actual operating budgets for the fiscal years 2008/09 – 2012/13 are as follows:

Fiscal Year	Total Operating Budget	General Fund
2008-2009	\$198 million	\$130 million
2009 -2010	\$201 million	\$128 million
2010-2011	\$193 million	\$121 million
2011-2012	\$183 million	\$109 million
2012-2013	\$182 million	\$106 million

The \$143 million available for capital projects was a result of Governor Cuomo's initiative to revitalize state parks and historic sites through the New York Works Fund. The 2012-13 budget provided \$89 million in new capital funding to OPRHP, which in turn was leveraged with an additional \$54 million in state, federal, and private funds – allowing State Parks to advance a total of \$143 million of capital rehabilitation projects. This was the single largest infusion of capital dollars in the history of New York State parks. Projects are being funded in every region of the state, making improvements in 48 state parks and historic sites that serve 37 million visitors annually. This investment in New York's parks system will enhance the visitor experience and enable our state parks to reemerge after years of decline.

Response to Recommendations (Page 7)

The following section presents OPRHP's response to the recommendation contained in the draft audit report.

- **Recommendation 1:** *Continue efforts to prioritize the park's infrastructure needs and to make necessary repairs or replacements to facilities based on available funding.*

Recommendation Status: Implemented

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Agency Response: Agree. OPRHP concurs with the recommendation.

OPRHP's Capital Programs office maintains a comprehensive list of capital projects that are needed throughout the State. The capital plan is prepared annually and is reviewed by Regional staff so that it can be updated as needed. During this process, a list of priority projects for the coming fiscal year is formulated and shared with Executive Staff. Criteria on which projects are measured include:

- Addressing Health & Safety and/or ADA Issues;
- Advancing projects that serve large numbers of visitors and improve flagship parks;
- Enhancing sustainability;
- Improving the visitor experience; and
- Completing projects that generate increased Agency revenues.

Two major constraints to the planning process include:

- The extensive backlog of facility rehabilitation needs, exceeding \$1 billion across the state parks system; and
- Significant year-to-year variations in the level of capital funding allocated to the agency.

- **Recommendation 2:** *Establish principles to guide the selection of alternative solutions in cases where potentially dangerous problems are likely to remain unaddressed for an extended period of time.*

Recommendation Status: **Implemented**

Agency Response: Agree. OPRHP concurs with the recommendation.

OPRHP staff performs risk assessments of each problem, determining the likelihood of the possible risk occurring and also the potential impact if it did. Solutions are implemented proportionate to the level of risk. High exposure/high risk issues would call for greater control measures whereas low exposure/risk issues may call for less control measures.

Responses could range from immediate repairs (pending resource availability) to permanently resolve the issue to engineered isolation or control measures (i.e. physical constructed barriers to isolate the hazard to administrative controls in an attempt to isolate the hazard or warn visitors of its presence).

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Engineering controls may be implemented when the risk/exposure is such that physical barriers are required to isolate the hazard to a greater extent and physically prevent exposure to the hazard. As such, fencing, walls or other physical barriers may be implemented to isolate the hazard and physically prevent exposure to the hazard by unauthorized personnel.

When the risk/exposure is limited, administrative controls may be implemented to identify the hazard and alert unauthorized individuals of its presence, but would not establish a true physical barrier to entry. In such instances, the use of signage or caution/warning tape, traffic cones etc. may be utilized to identify a hazard, but not necessarily provide physical isolation.