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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

June 4, 2007

Mr. Adrian Benepe
Commissioner
New York City Department of Parks & Recreation
The Arsenal, Central Park
New York, NY 10021

Re: Report 2006-F-53

Dear Mr. Benepe:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1, of the State Constitution and Article III of the General Municipal Law, we have followed up on the actions taken by officials of the New York City Department of Parks & Recreation (Parks) to implement the recommendations contained in our audit report, *Compliance with ADA Requirements* (Report 2004-N-6).

Background, Scope, and Objective

The New York City Department of Parks and Recreation, a mayoral agency, operates one of the largest municipal park systems in the country. Its principal mission is to ensure that the parks, beaches, playgrounds, and recreational facilities in New York City (City) are clean, safe, accessible, and attractive for the health and enjoyment of the people; and that they provide a wide variety of recreational opportunities.

Parks maintains about 28,700 acres of parkland, including almost 4,000 facilities that encompass nearly 1,000 playgrounds, 800 athletic fields, 550 tennis courts, 63 swimming pools, 35 recreation centers, and 14 miles of beaches. These facilities are visited by millions of individuals every year. Parks' flagship sites, such as Central Park, Riverside Park, Brooklyn Prospect Park, and the Bronx Zoo, are popular tourist attractions. Its capital budget totaled more than \$600 million for the 2007 fiscal year.

According to Section 504 of The Rehabilitation Act of 1973 (Rehabilitation Act), no otherwise qualified individual with disabilities should be excluded from participation in a program or activity receiving Federal financial assistance. Since passage of the Americans with Disabilities Act of 1990 (ADA), the prohibition of discrimination has been extended to all activities of State and local governments governed by the Rehabilitation Act, even if they do not

receive Federal funds. New construction or alterations initiated after January 26, 1992, are required to incorporate accessibility standards. However, all facilities are not required to be ADA-accessible; similar services may be provided at an alternate accessible location.

Parks is also subject to the *ADA Accessibility Guidelines for Buildings and Facilities* (Guidelines), which were adopted by the Department of Justice and became effective on October 3, 2002. According to the Guidelines, both newly constructed and recently altered Parks recreational facilities must meet ADA requirements; and accessible elements and spaces of a building or facility located on the same site must be connected by an accessible route that can be reached by disabled visitors.

Our initial audit report, which was issued on December 28, 2005, examined Parks' efforts to provide persons who have disabilities with access to its facilities and to determine whether Parks has complied with selected requirements of the ADA and the Guidelines. Our report identified a number of internal control weaknesses. In particular, we found that Parks had not developed a Transitional Plan identifying actions and timetables for making Parks facilities and services ADA-compliant; there was no mechanism in place to ensure that ADA accessibility was incorporated in all new and major alteration projects; Parks had not appointed an ADA Coordinator to oversee ADA implementation efforts and to handle ADA-related complaints; and Parks needed to be more active in publicizing its facilities and services for individuals with physical disabilities.

The objective of our follow-up, which was conducted in accordance with generally accepted government auditing standards, was to assess the extent of the implementation, as of December 7, 2006, of the seven recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

We found that Parks officials have made progress in correcting the problems we identified. However, additional improvements are needed. Of the 7 prior audit recommendations, 3 recommendations have been implemented and 4 recommendations have been partially implemented.

Follow-up Observations

Recommendation 1

Establish a detailed Transitional Plan that identifies planned actions and timetables for making Parks facilities and services ADA-compliant. Establish a process for keeping the Plan current.

Status - Partially Implemented

Agency Action - While Parks officials have not prepared a Transitional Plan, or, a process for keeping the Plan current, they have begun taking important steps toward achieving these goals. In 2006, an agency-wide survey was sent to all departments to gather information on ADA compliance, including accessibility and signage, at each park.

Parks officials explain that the survey results will be tabulated and will form the basis for the Transitional Plan.

To determine the accuracy of the surveys, we judgmentally selected five of the survey checklists. We conducted field observations of the condition at each relevant park or playground and compared them with the information on the respective checklist. We found these five survey checklists to be substantially accurate.

Recommendation 2

Ensure that ADA accessibility is incorporated in all new and major alteration projects. Scope documents should always specify the element that must be ADA-accessible.

Status - Partially Implemented

Agency Action - Parks officials had stated that they would incorporate ADA guidelines into all construction projects. To test whether ADA accessibility was included in planned capital work, we judgmentally selected five projects from a December 29, 2006, list of the 145 construction projects started during 2006. We found that the scope documents for two of the five projects included ADA-accessible elements, such as dropped curbs and accessible routes. However, the scope documents for the other three (Tuscan Garden, Brookville Boulevard Playground and Baisley Pond Park projects) did not specify such elements. Parks' ADA Coordinator explained that all five projects were required to include ADA elements.

Recommendation 3

Establish written guidelines for major alteration work, based on a dollar threshold or scope of work, that specify the projects that must include ADA accessibility components.

Status - Partially Implemented

Agency Action - Parks officials provided us with agency scope written guidelines dated September 2005. However, we found that this document was in the form of a memo from an individual to a department; therefore we could not conclude that it was an adopted agency policy. Furthermore, it set no dollar thresholds or work scopes that required consideration of ADA accessibility components. Parks officials indicated that they are considering a threshold of \$35,000 and that they would have the Commissioner formally adopt the memo as policy.

Recommendation 4

Appoint an ADA Coordinator to oversee all ADA implementation efforts and to identify and investigate complaints.

Status - Implemented

Agency Action - In October 2006, Parks appointed an ADA Coordinator responsible for reviewing facility assessments and devising the Transition Plan, assuring that programs and services are accessible, developing a training curriculum on ADA policies for Parks employees, and working with the Accessibility Advisory Committee. The Coordinator also handles ADA-related complaints from the public.

Recommendation 5

Develop grievance procedures for handling complaints alleging ADA noncompliance.

Status - Implemented

Agency Action - The Parks website has been updated to explain the complaint-reporting procedures; it now includes an ADA complaint form. If a complaint investigation is conducted, a written determination and description of the resolution is to be forwarded to the complainant no later than 30 calendar days following the filing.

Recommendation 6

Enhance the Parks Internet website to provide the public with more information about ADA accessible facilities and services within the system.

Status - Implemented

Agency Action - We found that the website has been updated to include more information on ADA accessibility. Information is provided on entrance points of playgrounds, pools, and comfort stations in Central Park, as well as special programs for people with disabilities. Maps can be viewed in various sizes, and there is assistive technology for those with visual or hearing problems. Both accessible and non-accessible entrances, bathrooms, and drinking fountains are located on the maps.

The website was also improved for those with visual, hearing, and mobility impairments by adding assistive technology. Large and high-contrast displays are available; it also provides alternative text for visual and audio content.

Recommendation 7

Post international signage for accessibility at each accessible entrance of a facility. Provide signage at all inaccessible entrances to each facility, directing users to an accessible entrance or to a location where they can obtain information about alternative accessible facilities.

Status - Partially Implemented

Agency Action - Parks officials indicated that signage for playgrounds and small parks are in place, and said they plan to place signage in the large parks soon. There are also plans to put up signage at athletic fields, tennis courts, swimming pools, recreation

centers, and beaches. We selected a judgmental sample of seven small parks and confirmed that new signage was in place.

Major contributors to this report were Cindi Frieder, Gene Brenenson, Jeremy Mack and Hector Arismendi.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We also thank Parks management and staff for the courtesies and cooperation extended to our auditors during this process.

Very truly yours,

Cindi Frieder
Audit Manager

cc: Frank D'Ercola
Lisa Ng, Division of the Budget
George Davis, Mayor's Office of Operation