

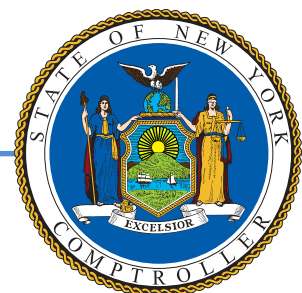
Office of Parks, Recreation and Historic Preservation

Accessibility for People With Disabilities

Report 2022-S-3 | August 2023

OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

Division of State Government Accountability



Audit Highlights

Objective

To determine whether the Office of Parks, Recreation and Historic Preservation has taken adequate steps to ensure State parks and historic sites are accessible and can accommodate persons with disabilities, including meeting State and federal requirements. The audit covered the period January 2018 to October 2022.

About the Program

According to the New York State Department of Health, more than one in four New York State adults have a disability. In addition, as reported by the U.S. Department of Agriculture and others, access to green space can provide physical health benefits such as reductions in stress, cortisol levels, muscle tension, and heart rate – all of which are risk factors for cardiovascular disease – as well as mental wellness benefits such as lower risk of depression and faster psychological stress recovery. Access to parks and historic sites within the State is important for all citizens including those with a disability. The Office of Parks, Recreation and Historic Preservation (Parks) is responsible for the operation and stewardship of the State's park system, as well as advancing the statewide parks, historic preservation, and open space mission. The State's park system comprises over 250 State parks, including 37 historic sites, encompassing nearly 350,000 acres across 11 regions. Parks is responsible for managing a vast array of public amenities, including 5,000 buildings (e.g., pavilions/shelters, restrooms), 28 golf courses, 24 swimming pools and spray grounds, 57 beaches, 21 marinas, 75 boat launch sites, 25 nature centers, and more than 2,000 miles of trails. Parks' central administrative office oversees the regional offices as well as the State Historic Preservation Office (Preservation Office) – a branch of Parks involved in helping communities identify, evaluate, preserve, and revitalize their historic, archaeological, and cultural resources. As part of its mission, Parks works to provide universal access to safe and enjoyable recreational and informational opportunities for all New York State residents and visitors.

Title II of the 1990 Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by state and local governments. Generally, under the ADA's implementing regulations, a public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. Parks is not required to make each of its existing facilities accessible, but it must operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. Additionally, the ADA requires public entities to perform a self-evaluation of their ability to provide access to individuals with disabilities. The self-evaluation is designed to uncover areas that require more attention and identify policies that may, directly or indirectly, adversely impact accessibility. If a self-evaluation reveals that a public entity must make structural changes to achieve program accessibility, it must develop a Transition Plan (Plan).

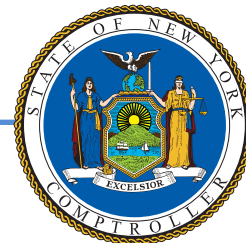
The 2010 ADA Standards for Accessible Design (Standards) set minimum scoping and technical requirements for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities. For any new construction or alteration that began on or after March 15, 2012, the project must comply with the Standards. An alteration is defined as a change to a building or facility that affects or could affect the usability of the entire building or facility or a portion thereof. Additionally, alterations to historic properties will comply, to the maximum extent feasible, with the regulatory provisions applicable to historic properties. Although the Standards apply to new construction and alterations that began on or after March 15, 2012, they may be used as a guide to determine when and how to enhance accessibility within pre-existing structures.

Key Findings

- Parks has not actively incorporated accessibility into its processes for maintaining and operating its parks. Despite having developed a Plan, Parks did not include a timetable for executing improvements, and has taken little action to implement recommendations for accessibility improvements. Although many staff stated that they assess their facilities during periodic walk-throughs at the parks, as problems arise, and when they receive complaints, staff were not familiar with the Plan or provisions therein that identified policy, program, and physical barriers to accessibility and the proposed solutions that would facilitate access. Also, most staff were not knowledgeable of requirements under the Standards, and stated that they receive little guidance from the regional and the central administrative offices on accessibility.
- We reviewed areas and amenities available for public use at 40 parks within 11 regions as well as four historic sites (see Exhibit). We examined 1,446 amenities at the 40 park facilities and found the amenities were ADA compliant. However, we identified 892 areas (62%) where accessibility could potentially be improved, should Parks seek to exceed the ADA's minimum requirements.
- Information on accessibility – used to inform visitors about accessibility in each of the parks – is not always accurate. We compared posted accessibility information with observations from our visits. We found a total of 97 instances where the agency's website and/or accessibility signage at parks contained seemingly erroneous information. This included: no wheelchair-accessible stalls; lack of wheelchair accessibility; access routes with obstacles; restroom entrance and/or stall entrance dimensions less than Standards; and restroom stalls missing grab bars.
- Although historic sites pose unique challenges due to their age and design, we found Preservation Office officials were generally committed to making each site as accessible as possible within the constraints of the location.

Key Recommendations

- Develop processes to actively incorporate accessibility into the operation and maintenance of parks, which may include but not be limited to:
 - Communicating and training park staff on ADA requirements;
 - Monitoring new construction and alteration projects to ensure compliance with the Standards;
 - Developing procedures for recording and addressing accessibility complaints; and
 - Assessing potential barriers to accessibility and, to the extent feasible, addressing the newly identified potential improvement areas as well as the barriers identified in the Plan.
- Improve the accuracy of publicly reported information on accessibility – communicated both online and through signage at parks.



**Office of the New York State Comptroller
Division of State Government Accountability**

August 10, 2023

Erik Kulleseid
Commissioner
Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12233

Dear Commissioner Kulleseid:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Accessibility for People With Disabilities*. This audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

Division of State Government Accountability

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Glossary of Terms

Term	Description	Identifier
Parks	Office of Parks, Recreation and Historic Preservation	<i>Auditee</i>
ADA	1990 Americans with Disabilities Act	<i>Act</i>
amenity	An element such as an accessible route/ramp, beach, bench, boat launch, campsite/cabin, counter, elevator, golf course, marina, nature center, park office, parking lot, pavilion/shelter, playground, restroom, shower, store, or swimming pool that is available for patron use	<i>Key Term</i>
IRRC	State University of New York at Cortland's Inclusive Recreation Resource Center	<i>Key Term</i>
park(s)	Generic reference to individual park(s) within the State's park system	<i>Key Term</i>
Plan	Transition Plan	<i>Key Term</i>
Policy	Parks' June 2015 Accessibility Policy	<i>Key Term</i>
Preservation Office	State Historic Preservation Office	<i>Auditee Division</i>
Standards	2010 ADA Standards for Accessible Design	<i>Key Term</i>

Background

According to the New York State Department of Health, more than one in four New York State adults have a disability. In addition, as reported by the U.S. Department of Agriculture and others, access to green space can provide physical health benefits such as reductions in stress, cortisol levels, muscle tension, and heart rate – all of which are risk factors for cardiovascular disease – as well as mental wellness benefits such as lower risk of depression and faster psychological stress recovery. Access to parks and historic sites within the State is important for all citizens including those with a disability.

The Office of Parks, Recreation and Historic Preservation (Parks) is responsible for the operation and stewardship of the State's park system, as well as advancing the statewide parks, historic preservation, and open space mission. The State's park system comprises over 250 State parks, including 37 historic sites, encompassing nearly 350,000 acres across 11 regions. Parks is responsible for managing a vast array of public amenities, including 5,000 buildings (e.g., pavilions/shelters, restrooms), 28 golf courses, 24 swimming pools and spray grounds, 57 beaches, 21 marinas, 75 boat launch sites, 25 nature centers, and more than 2,000 miles of trails. Parks' central administrative office oversees the regional offices as well as the State Historic Preservation Office (Preservation Office) – a branch of Parks involved in helping communities identify, evaluate, preserve, and revitalize their historic, archaeological, and cultural resources.

As part of its mission, Parks works to provide universal access to safe and enjoyable recreational and educational opportunities for all New York State residents and visitors. According to Parks, universal access to parks and historic sites means providing recreational opportunities for everyone regardless of differences in ability.

Title II of the 1990 Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by state and local governments. Generally, under the ADA's implementing regulations, a public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. Parks is not required to make each of its existing facilities accessible, but it must operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. Further, the ADA requires that public entities (that employ 50 or more persons) designate at least one ADA Coordinator responsible for coordinating compliance with the ADA and investigating ADA-related complaints. The ADA also requires public agencies to develop and publish grievance procedures to provide fair and prompt resolution of complaints and make available the name and contact information of the ADA Coordinator upon request.

Additionally, the ADA requires public entities to perform a self-evaluation of their ability to provide access to individuals with disabilities. The self-evaluation is designed

The Plan, at a minimum, should:

- *Identify physical obstacles in the public entity's facilities that limit accessibility to individuals with disabilities;*
- *Describe in detail the methods that will be used to make the facilities accessible;*
- *Include a schedule for taking the steps necessary to achieve compliance; and*
- *Assign an official responsible for implementation.*

to uncover areas that require more attention and identify policies that may, directly or indirectly, adversely impact accessibility. If a self-evaluation reveals that a public entity must make structural changes to achieve program accessibility, it is required to develop a Transition Plan (Plan).

Prior to developing its Plan in 2015, Parks partnered with the State University of New York at Cortland's Inclusive Recreation Resource Center (IRRC) to conduct accessibility assessments on 168 parks and historic sites. Parks used the IRRC assessments and recommendations in developing its Plan. The Plan identified policy, program, and physical barriers to accessibility and proposed solutions that would facilitate access for all individuals. According to the Plan, Parks had already spent more than \$40 million as of 2015 making strides toward achieving accessibility for its visitors, but also acknowledged that there was still a great deal of work to be done.

The 2010 ADA Standards for Accessible Design (Standards) set minimum scoping and technical requirements for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities. For any new construction or alteration that began on or after March 15, 2012, the project must comply with the Standards. An alteration is defined as a change to a building or facility that affects or could affect the usability of the entire building or facility or a portion thereof. Additionally, alterations to historic properties will comply, to the maximum extent feasible, with the regulatory provisions applicable to historic properties. If it is not feasible to provide physical access to a historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided. Although the Standards apply to new construction and alterations that began on or after March 15, 2012, they may be used as a guide to determine when and how to enhance accessibility within pre-existing structures.

According to Parks' Accessibility Policy (Policy) developed in 2015, access to State parks, historic sites, and programs and services will be achieved through physical design, specialized adaptive recreation equipment, interpretive resources, and reasonable accommodations. In line with the Standards, the Policy explicitly states that newly built or substantially renovated facilities and trails will adhere to the most current accessibility design standards, and existing facilities, trails, services, and programs will be assessed for compliance followed by a plan to remediate non-compliant features. The Policy also states that information about accessibility will be maintained on Parks' website as well as through other informational material. Further, employees responsible for public interaction will be trained in their responsibilities related to interacting with individuals with disabilities and how to respond to requests for information and reasonable accommodations.

Each State fiscal year, Parks' central administrative office establishes the budget for the 11 regional offices and the Preservation Office. However, each regional office and the Preservation Office are responsible for prioritizing their projects and determining how the funds will be spent. While there is no written or documented prioritization process, each office considers various factors when prioritizing new capital projects, such as: frequency of amenity use, potential health and safety concerns, and

general age or condition of the amenity. Each park also receives its own general maintenance budget, which can be used as needed for repairs or as other issues are identified.

Notably, many of Parks' 37 historic sites were built in the 17th and 18th centuries. The Preservation Office, in conjunction with regional and central administrative staff, maintains a 5-year capital plan that prioritizes sites that are the most deteriorated and for which putting off rehabilitation would result in further damage to the site. These sites present a challenge not only in terms of their upkeep but also in making them accessible to those with mobility issues due to the confines of their original design (e.g., inability to widen narrow halls, install elevators or lifts, or widen doorways without causing destruction to the historically significant elements). However, when a site is selected for rehabilitation, whether it's a major restoration or a new exhibit, the Preservation Office should follow Standards to the extent feasible.

Audit Findings and Recommendations

Parks has not actively incorporated accessibility into its processes for maintaining and operating its parks. Despite having developed a Plan, Parks has taken little action to implement recommendations for accessibility improvements. Although many staff stated that they assess their facilities during periodic walk-throughs at the parks, as problems arise, and when they receive complaints, staff were not familiar with the Plan or provisions therein that identified policy, program, and physical barriers to accessibility and the proposed solutions that would facilitate access. Also, although the Plan stated that it should be revised periodically to reflect Parks' progress and to ensure that accessibility remained a priority, the Plan has not been reassessed in the 8 years since it was developed to ensure that identified improvements remain relevant and appropriately prioritized. Further, most staff were not knowledgeable of requirements under the Standards, and stated that they receive little guidance from the regional and the central administrative offices on accessibility.

Also, Parks has not developed grievance procedures, as the ADA requires, to ensure complaints are recorded and resolved fairly and promptly. As a result, we found complaints are generally handled at the park level, but their processes are not documented, making it difficult for us to assess whether complaints are addressed adequately or at all. Parks also lacked compliance with the ADA Coordinator requirement, which could have helped to ensure not only amenities' compliance with Standards but also that complaints are properly handled.

We reviewed areas and amenities available for public use at 40 parks within the 11 regions as well as four historic sites (see Exhibit). We used the most current Standards to evaluate the accessibility of sampled areas and amenities at the parks. Although the Standards apply to new construction and alteration projects that began on or after March 15, 2012, they may also be used as a guide to determine when and how to enhance accessibility with existing structures. We examined 1,446 amenities¹ at the 40 park facilities and found the amenities were ADA compliant. However, we identified 892 areas (62%) where accessibility could potentially be improved, should Parks seek to exceed the ADA's minimum requirements.

Parks officials generally agreed with our assessments, indicating that they have already begun to make improvements based on our findings, and reiterated their commitment to ensuring accessibility whenever feasible.

Park accessibility information – both online and on site – is an important service for potential visitors when planning their park destinations. The accuracy of the information is critical as it, in part, shapes visitors' park experience. However, we found that Parks' information on accessibility is not always accurate. We compared posted accessibility information with observations from our visits. We found a total of 97 instances where the agency's website and/or accessibility signage at parks contained seemingly erroneous information. This included: no wheelchair-accessible stalls; threshold heights that hinder entry; obstacles on access routes; restroom entrance and/or stall entrance dimensions less than Standards; and restroom stalls missing grab bars.

¹ Areas included both general park amenities and those located within the parks' concessionaire spaces.

Although historic sites pose unique challenges due to their age and design, we found Preservation Office officials were generally committed to making each site as accessible as possible within the constraints of the location.

Accessibility at State Parks

Parks' Accessibility

We reviewed areas and amenities available for public use at 40 parks within 11 regions (see Exhibit). We examined 1,446 amenities at the 40 park facilities and found 892 areas (62%) where accessibility could potentially be improved, should Parks seek to exceed the ADA's minimum requirements (see Table 1). We used the most current Standards to evaluate the accessibility of the sampled amenities and park facilities. Although the Standards apply to new construction and alteration projects that began on or after March 15, 2012, they may be used as a guide to determine when and how to enhance accessibility within existing structures.

Table 1 – Potential Accessibility Improvement Areas by Region

Region	Number of Parks Visited	Amenities Reviewed	Potential Improvement Areas Identified	Percentage of Areas With Potential Improvement Areas Identified
Allegheny	3	98	54	55%
Capital/Saratoga	4	188	83	44%
Central	4	118	61	52%
Finger Lakes	4	124	87	70%
Genesee	4	193	139	72%
Long Island	4	191	121	63%
Niagara	3	111	62	56%
New York City	2	34	16	47%
Palisades	4	117	91	78%
Taconic	4	121	79	65%
Thousand Island	4	151	99	66%
Totals	40	1,446	892	62%

Further, during our walk-throughs with park staff, we observed the following potential improvement areas (see Table 2):

- Restrooms mislabeled as accessible;
- Pavilions or cabins mislabeled as accessible;
- Rough or uneven access routes;
- Threshold heights exceeding the maximum allowed by the Standards and/or lack of wheelchair accessibility;
- Lack of wheelchair-accessible stalls within restrooms;
- Absence of directional signage to the closest accessible amenity; and
- No, limited, or inadequately signed accessible parking spaces.

Table 2 – Potential Accessibility Improvement Areas by Amenity Type

Amenity Type	Total Amenities Reviewed	Amenities With Potential Improvement Areas Identified	Percentage of Areas With Potential Improvement Areas Identified
Accessible Routes/Ramps	84	41	49%
Beaches	22	10	45%
Benches	26	6	23%
Boat Launch/Rentals	12	8	67%
Campsites/Cabins	55	25	45%
Counters	76	41	54%
Elevators/Platform Lifts	19	1	5%
Golf Courses	2	0	0%
Marina	6	3	50%
Nature Center/Museums	19	3	16%
Park Offices/Visitor Centers	9	5	56%
Parking Lots	198	117	59%
Pavilions/Shelters	84	31	37%
Playgrounds	56	12	21%
Restrooms	568	467	82%
Showers	134	99	74%
Stores	16	5	31%
Swimming Pools/Areas	10	3	30%
Other*	50	15	30%
Totals	1,446	892	62%

*Includes trails, restaurants, inns, basketball/tennis courts, overlooks, carousels, concessionaires, ticket stations, historic home, chair lifts, skating rink area, pool buildings, theaters, fishing piers, and camper registration buildings.

Despite the identified potential accessibility improvement areas, amenities were ADA compliant.

According to Parks staff, many of the potential improvement areas we identified could be corrected without much difficulty or expense – these include improvements such as adding signage, adjusting door pressure, relocating soap dispensers, and lowering mirror heights. To this point, during subsequent conversations with Parks staff, they stated that they had already begun making improvements based on our observations and would take additional action when they receive the full results of our audit.

Notably, of the 892 potential improvement areas we identified, restrooms were the most common, accounting for 467 (52%). The most significant areas included: lack of wheelchair-accessible stall (92), lack of wheelchair accessibility and/or no accessible route to access the restroom (78), narrow stall dimensions (25), restroom and/or stall entrance with inadequate clear width (50), and missing or no grab bars in restroom stall (37). (See Figure 1 for examples.) Further, 10 pavilions/shelters and 20 campsites/cabins labeled as accessible had associate restrooms (20 and 18, respectively) that could be improved to increase accessibility.

While we identified numerous potential accessibility improvement areas during our visits, we also observed areas where staff had taken steps to enhance accessibility

in certain areas of their respective parks. For example, at many of the beaches and pools, beach wheelchairs were available for patrons with mobility limitations to provide an easier transition into the water. Additionally, many facilities had mats installed over the beach sand to provide an accessible path to the water. Specifically, Jones Beach State Park had mats at multiple entry points along the beach. Some parks also added accessible roll-in kayak launches at boat rental and launch areas. Directional signage for accessible amenities was also prevalent throughout Niagara Falls State Park and Saratoga Spa State Park.



Figure 1 – Examples of potential improvement areas identified in restrooms (clockwise from upper left): stall too narrow for wheelchair turnaround (Allegany State Park); stall with missing rear grab bar and grab bar obstacle to wheelchairs on either side (Jones Beach State Park); stall with missing rear grab bar and grab bar obstacle to wheelchairs (James Baird State Park); restroom not wheelchair accessible (Letchworth State Park); lack of wheelchair-accessible stall (Taconic State Park).

Further, we observed some unique accessible amenities at Midway State Park and Letchworth State Park. Midway State Park offered an accessible playground with ramps that connected all aspects and levels of the playground (see Figure 2). Letchworth State Park also had a newly constructed accessible and inclusive mile-long Autism Nature Trail that hosts eight different sensory stations for visitors to experience and explore nature (see Figure 3). The trail had several stations with different activities for children with autism and included braille on all signs around the trail.

Complaints

Although Parks provides a general complaint form and an email address for patrons to send accessibility-related complaints, Parks did not establish grievance procedures, as required by the ADA. According to officials, most complaints are addressed at the park level, with escalations forwarded to the regional office or central administrative office. Therefore, each park has developed its own process for handling and tracking complaints related to accessibility. We found that most parks did not document the complaint process or track complaint resolution, making it difficult for us to determine whether complaints are adequately addressed.

For each of the 40 parks we visited, we requested that Parks provide us with all accessibility-related complaints and inquiries received by each individual park, the regional office, and central administrative office for the period January 2018 through October 2022. According to Parks staff, only 14 of the 40 parks received an accessibility-related complaint or inquiry during that period. Collectively, those 14 park facilities received 27 accessibility-related complaints and inquiries (17 written, 10 verbal) from patrons relating to their experiences at the park. We reviewed those complaints to determine the actions taken to resolve them, but Parks only provided support that five of the 17 (29%) had been addressed in some manner (generally written responses from park staff). However, during our visits, our observations support the claims made by the complainants, and we found little evidence that attempts were being made to address them. For example, several complaints cited that the boat and/or kayak launches were not accessible; however, Parks did not take steps to resolve the complaint – the details outlined in the complaint remained during our visits (generally there were steps or transitions to the launches).



Figure 2 – Accessible multi-level playground at Midway State Park.



Figure 3 – Accessible and inclusive mile-long Autism Nature Trail sensory stations at Letchworth State Park.

Transition Plan

Parks developed a transition plan in 2015. When developing the Plan, each park conducted a preliminary accessibility assessment, which entailed obtaining the most current information on accessibility at each park and historic site. Parks used the IRRC assessments when developing its Plan. While the Plan included the IRRC’s accessibility assessments for 168 facilities and sites, it did not include a specific timetable for executing improvements to accessibility, and we found Parks has taken little action to implement provisions of the Plan. Further, most of the park staff we interviewed during our visits were unaware there was a Plan in place. Also, although the Plan stated that it should be revised periodically to reflect Parks’ progress and to ensure that accessibility remained a priority, the Plan has not been reassessed in the 8 years since it was developed to ensure that identified improvements remain relevant and appropriately prioritized.

We reviewed the IRRC assessments and found they included recommendations to improve usability in many of the same areas we identified – such as incorrect soap dispenser and hand dryer heights, lack of designated accessible parking spaces, inaccessible picnic tables, and inappropriate threshold heights/floor level changes – that were still prevalent during our visits to the 40 parks conducted between July 2022 through October 2022. Also, based on information obtained during our visits, the recommendations contained in the IRCC assessments were not disseminated to current park managers so that they could take action to address them.

Accuracy of Publicly Posted Accessibility Information

Park accessibility information – both online and on site – is important for potential visitors when planning their park destinations. The accuracy of the information is critical as it, in part, shapes visitors’ park experience. In accordance with its Policy, Parks posts accessibility information for each of its parks on its website – information that Parks also makes available to the public via Reserve America, a popular online outdoor recreation software and marketing solution – to inform potential visitors about accessibility of amenities. Signs might also be posted on site to identify amenities that are accessible.

We compared accessibility information posted online with our observations during site visits. We found a total of 97 instances where the agency’s website and/or accessibility signage at parks contained seemingly erroneous information (see Table 3). This included: no wheelchair-accessible stalls; lack of wheelchair accessibility; access routes with obstacles; restroom entrance and/or stall entrance dimensions less than Standards; and restroom stalls missing grab bars.

Table 3 – Misabeled Amenities by Amenity Type

Amenity Type	Instances of Misabeled Amenities
Restrooms	66
Campsites/Cabins	3
Beach/Swimming Area	3
Playground	3
Pavilions/Shelters	4
Showers	18
Total	97

Park staff could not explain why the amenities were mislabeled; however, generally we attribute this to a lack of familiarity with the Standards by park staff.

In response, Parks officials acknowledged the importance of ensuring proper labeling and signage of their amenities so that patrons are directed to areas most suitable to their needs, and indicated they will take steps to improve the accuracy of posted information.

ADA Coordinator

Parks has not consistently assigned staff to fill the role of ADA Coordinator nor has it documented the duties and expectations of the position. Consequently, when we engaged our audit in January 2022, there was no support for actions taken by prior ADA Coordinators to coordinate compliance with the ADA or investigate ADA-related complaints. Further, Parks officials could not definitively identify individuals who filled the ADA Coordinator position during the scope of our audit. We were only able to confirm that the position remained unfilled between January 2019 and May 2019, but it potentially remained vacant for several periods of time during our scope. Parks assigned a new ADA Coordinator in March 2022, after the engagement of our audit.

Historic Sites

Historic sites pose unique challenges due to their age and design – accessibility alterations are often not feasible without causing destruction to the historically significant elements of the site. However, we found Preservation Office officials were generally committed to making each site as accessible as possible within the constraints of the location. We visited four historic sites – Herkimer Home State Historic Site, Philipse Manor Hall State Historic Site, Ganondagan State Historic Site, and Schuyler Mansion State Historic Site – that were at different phases in the rehabilitation process to determine how the Preservation Office has incorporated accessibility into the sites.

At the time of our visits, the Herkimer Home State Historic Site was in the planning phase and the Philipse Manor Hall State Historic Site was in the process of being rehabilitated. From our observations of the planning work and rehabilitation project, ADA compliance and accessibility are significant factors in the Preservation Office's rehabilitation process. For example, at the Philipse Manor Hall, the Preservation Office added accessible routes throughout the mansion and around the perimeter of the site, and added a new wing equipped with accessible restrooms and elevator service for access to all floors. Additionally, during our visit to Herkimer Home State Historic Site, we observed a planning and design meeting where all areas of the site were observed and discussed for accessibility and potential ADA upgrades. Discussions included adding ramps, installing an elevator to access all three floors in the visitor center, adding an open floor plan for the exhibit displays to allow easier navigation for patrons in wheelchairs, and adding ADA-compliant restrooms.

The Ganondagan State Historic Site was significantly rehabilitated within the last 10 years, with multiple improvements to make it more accessible. All the amenities we

observed at the site met the Standards. Most notably, the Seneca Art and Culture Center was newly built in 2015 and incorporated accessible parking, restrooms, theater, gallery with exhibits (Figure 4), and auditorium. Further, the Seneca Bark Longhouse at the site can be accessed by patrons through an accessible path. A golf cart is also available to transport patrons between the center and the site upon request to assist those with mobility issues, and a stone garden area was created to add an accessible alternative to the woods trail on the property.

In situations where accessibility cannot be provided, we found the Preservation Office developed alternatives to accessibility when possible. For example, the Schuyler Mansion State Historic Site, which has not been significantly altered, is composed of two levels. Without an elevator, the second level of the mansion cannot be accessed by individuals with mobility issues. However, according to Parks officials, to overcome these barriers, when a patron is unable to observe the second level of the mansion, an informational binder is provided, and an interpretation aide is available to assist the individual during tours.



Figure 4 – Accessible gallery with exhibits at Ganondagan State Historic Site.

Recommendations

1. Develop processes to actively incorporate accessibility into the operation and maintenance of parks, which may include but not be limited to:
 - Communicating and training park staff on ADA requirements;
 - Monitoring new construction and alteration projects to ensure compliance with the Standards;
 - Developing procedures for recording and addressing accessibility complaints; and
 - Assessing potential barriers to accessibility and, to the extent feasible, addressing the newly identified potential improvement areas as well as the barriers identified in the Plan.
2. Improve the accuracy of publicly reported information on accessibility – communicated both online and through signage at parks.
3. Document and communicate the roles and responsibilities of the ADA Coordinator, which should include requirements to coordinate compliance with the ADA and investigate ADA-related complaints.

Audit Scope, Objective, and Methodology

The objective of our audit was to determine whether Parks has taken adequate steps to ensure State parks and historic sites are accessible and can accommodate people with disabilities, including meeting State and federal requirements. Our audit covered the period January 2018 to October 2022.

To accomplish our objective, we examined Parks' internal controls and assessed their adequacy as they related to our audit objective. We reviewed applicable policies, procedures, laws, and regulations. We interviewed officials from the central administrative office, regional offices, and parks to understand their process for assessing and improving the accessibility of the parks. We reviewed the 2015 Plan, prior facility accessibility assessments, and relevant contract requirements, and visited various amenities at parks to determine the extent Parks was identifying and correcting potential barriers to accessibility. We also reviewed Parks' websites, as well as the Reserve America website, for indicators of accessible amenities within each facility. We selected a judgmental sample of 44 facilities (40 Parks and four historic sites) of 268 facilities within the 11 Parks' regions. We visited the four historic sites between April 2022 and October 2022 and the 40 parks between July 2022 and October 2022. At each park and historic site, we reviewed a judgmental selection of areas and amenities available for public use, and took detailed measurements (when applicable) of 1,446 amenities using a digital slope measuring device, a wheel distance measuring device, a push-pull force gauge (to measure door opening force), and a measuring tape. These amenities included routes/ramps, beaches, boat launches, campsites/cabins, counters, elevators, golf courses, marinas, nature centers, park offices, parking lots, pavilions/shelters, playgrounds, restrooms, showers, stores, and swimming pools, among others. We considered location, amenity type, and park size when deciding which facilities to review. We selected our sample of parks from a listing of parks and historic sites provided by officials. While we were unable to determine the reliability of the listing, we believe it was sufficient for the purposes of selecting a sample of locations to perform testing and relied on other evidence (physical observations and documentation) to support our audit findings when possible. We did not design our samples to project their results to the population from which they arose, nor did we, or can we, project any sample results to the related population.

Statutory Requirements

Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our professional judgment, these duties do not affect our ability to conduct this independent performance audit of park accessibility for individuals with disabilities.

Reporting Requirements

A draft copy of the report was provided to Parks officials for their review and comment. Their comments were considered in preparing this final report and are attached in their entirety at the end of it. In their response, Parks officials agreed with our recommendations and indicated actions they would take to implement them.

Within 180 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Office of Parks, Recreation and Historic Preservation shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

Exhibit

State Parks and State Historic Sites Examined

State Park	Region
Allan H. Treman State Marine Park	Finger Lakes Region
Allegany State Park	Allegany Region
Bear Mountain State Park	Palisades Region
Beaver Island State Park	Niagara Region
Bethpage State Park	Long Island Region
Buttermilk Falls State Park	Finger Lakes Region
Caleb Smith State Park Preserve	Long Island Region
Canadarago State Marine Park	Central Region
Cedar Point State Park	Thousand Islands Region
Cherry Plain State Park	Saratoga/Capital Region
Denny Farrell Riverbank State Park	New York City Region
Fahnestock State Park (Clarence Fahnestock)	Taconic Region
Franklin D. Roosevelt Four Freedoms State Park	New York City Region
Ganondagan State Historic Site	Finger Lakes Region
Gilbert Lake State Park	Central Region
Glimmerglass State Park	Central Region
Green Lakes State Park	Central Region
Hamlin Beach State Park	Genesee Region
Harriman State Park	Palisades Region
Hempstead Lake State Park	Long Island Region
Herkimer Home State Historic Site	Central Region
Higley Flow State Park	Thousand Islands Region
James Baird State Park	Taconic Region
John Boyd Thacher State Park	Saratoga/Capital Region
Jones Beach State Park	Long Island Region
Lakeside State Park	Genesee Region
Lake Taghkanic State Park	Taconic Region
Letchworth State Park	Genesee Region
Long Point State Park on Lake Chautauqua	Allegany Region
Midway State Park	Allegany Region
Niagara Falls State Park	Niagara Region
Pebbles Island State Park	Saratoga/Capital Region
Philipse Manor Hall State Historic Site	Taconic Region
Robert Moses State Park – Thousand Islands	Thousand Islands Region
Sampson State Park	Finger Lakes Region
Saratoga Spa State Park	Saratoga/Capital Region
Schuyler Mansion State Historic Site	Saratoga/Capital Region
Silver Lake State Park	Genesee Region
Sterling Forest State Park	Palisades Region
Taconic State Park	Taconic Region
Tallman Mountain State Park	Palisades Region
Taughannock Falls State Park	Finger Lakes Region
Westcott Beach State Park	Thousand Islands Region
Woodlawn Beach State Park	Niagara Region

Agency Comments



New York State Parks, Recreation and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 31, 2023

Nadine Morell
Audit Director
Division of State Government Accountability
Office of the State Comptroller
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Albany, NY 12236-0001

Re: Audit Draft Report 2022-S-3

Dear Nadine Morrell:

The Office of Parks, Recreation and Historic Preservation (OPRHP) thanks the Office of the State Comptroller (OSC) for its commitment to accessibility and for this opportunity to review its audit, *Accessibility for People with Disabilities* (the “Report”), addressing accessibility within the State’s 250 state parks and historic sites (the “NYS Parks System”).

The NYS Parks System is approaching its centennial anniversary. Many of its over 5,000 facilities predate the implementation of the current 2010 ADA Standards for Accessible Design, creating impediments to achieving full accessibility of all spaces and elements. Nevertheless, OPRHP remains committed to providing meaningful program access to individuals with disabilities, including updating its aging infrastructure, within its financial means and administrative resources, to improve facility access.

OPRHP agrees with the Report’s recommendations and thinks all three will improve accessibility and reinforce OPRHP’s efforts to address barriers. In reviewing these recommendations, OPRHP has determined it will conduct a multi-faceted review of its policies, facilities, and programs and establish a plan to meet its long-term goals of addressing identified barriers to accessibility, including updating policies and improving procedures, as needed. This plan will include enhancing information available to the public about OPRHP’s programs, their accessibility, and its modification procedures; developing a procedure to centralize and document accessibility-related complaints and their resolution; clarifying the roles and responsibilities of the ADA Coordinator; providing greater communication and opportunities for employee training on ADA requirements; engaging in additional self-evaluation; and updating the transition plan. OPRHP is working now on coordinating an interdisciplinary team to lead these efforts.

Thank you for the opportunity to respond to the Audit and identify ways to improve the accessibility of our many wonderful parks and historic sites.

Sincerely,

Tom Alworth
Executive Deputy Commissioner

New York State Office of Parks, Recreation and Historic Preservation
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