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August 31, 2024

Bradley Keen, Acting Director
Department of Parks and Recreation
City of Port St. Lucie
2195 SE Airoso Blvd.
Port St. Lucie, FL 34984

Re ADA Initiative Executive Summary

Dear Brad:

Federal law mandates the accessibility of Port St. Lucie Department of Parks and Recreation sites. This report is a summary of our process and recommendations to make Port St. Lucie parks and facilities more accessible to people with disabilities. The details are in the site reports.

Scope of Work: The Americans with Disabilities Act (ADA) requires the City to audit all parks, facilities, programs, and policies for compliance with the ADA mandates. The audit must result in a transition plan that schedules retrofits to sites. We consider our project to be phase one for the City, as it must still audit all other City facilities, including right-of-way assets such as curb ramps and sidewalks. The Parks and Recreation Department retained us through an RFP process and we began our work in late-2023. This Executive Summary is our final deliverable.

Deliverables: We prepared and provided a site report for each park and facility. The site reports identify each barrier, propose a solution, and contain images of deficits. Using the audit results, we prepared a transition plan that phases work out over ten years. Following interviews with Department staff, we prepared a report that reviews how staff invite, analyze, and fulfill requests for reasonable modifications by people with disabilities. We also conducted a training event for Department staff in June. Finally, in August we provided one-on-one reports via Teams to the Mayor, City Manager, and members of the City Council.

Key Concepts: There are four key concepts regarding ADA compliance: recreation inclusion, reasonable modifications, program access, and undue burden. Our work for the Department involved all three and we briefly discuss each below.

- Integral to the ADA is the notion that people with and without disabilities can interact together in recreation programs. In our staff interviews, we emphasized the importance of this concept and note that many staff were aware and supportive of this concept. The concept of recreation inclusion effectively opens every Department activity to people with and without disabilities.
- A related obligation is to provide reasonable modifications to facilitate the inclusion of people with disabilities. A clear list is seen in the statute and the title II regulation issued by the Department of Justice (DOJ). Federal court decisions have clarified what is and is not reasonable, including sign language interpreters, extra staff, specially trained staff, adaptive equipment, and the removal of architectural barriers. From an enforcement perspective, the trend clearly favors people with disabilities.

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- From a facility or park perspective, the concept of “program access” sets the direction. DOJ defines “program” broadly and includes playgrounds, sports fields, sports courts, pools, golf, fitness, picnic tables, and more. The ADA defines a program as an opportunity made available by the Department. From a whole-City perspective, sidewalks are a program, as is attending City Council and making public comment. Success requires that we think broadly.
- Lastly, the concept of undue burden can draw a line for the City’s obligation to make modifications. The three legs of undue burden are undue financial burden, undue administrative burden, and a modification that would fundamentally alter the nature of the program or opportunity. Congress intended these to occur rarely. Indeed for a City with the administrative prowess and fiscal resources of Port St. Lucie, it will be difficult to ever show undue financial or administrative burden.

The Transition Plan: Our recommended Transition Plan sorts work into five categories over eight years. Phase One is five years and addresses low-hanging fruit and recently built sites or site assets that are noncompliant. Phase Two is two years and includes park assets like golf that are new to the final and enforceable standards. Phase Three is one year and includes costly or complex retrofits. We have also identified smart practices in Phase Five, and work we believe need not be accomplished because those programs are accessible elsewhere. We urge the City to integrate transition plan tasks with the CIP and other City plans and schedules.

Community Engagement: We did conduct an in-person meeting at the Community Center, and polled residents with a survey. The survey showed broad support for the proactive approach to compliance and residents influenced the order of retrofit in the Transition Plan.

Implementation: The Department has a high access and inclusion IQ. We urge continued implementation, improvement where recommended, and the establishment and maintenance of a relationship with the communities of people with disabilities in the City.

Conclusion: Not every municipality is as aware of the ADA obligations as Port St. Lucie. We saw that many parks and facilities were accessible, or could be made accessible with retrofits. Your past attention to access and inclusion is evident and we commend the City for seeing the benefits of having this Transition Plan. When there are questions, or as the City considers transition plan efforts for other City sites, reach out and we will help.

Sincerely,



John N. McGovern, JD
Partner, Principal-in-Charge
WT Group Accessibility Practice