

Letter for Local Operating Agencies

Name of Local Agency
Address

Re: (Park Unit)

Dear (Contact Person):

As you may know, the Department of Parks and Recreation has been defending a class action lawsuit filed, under the Americans with Disabilities Act, by plaintiffs representing park users with mobility, vision, and hearing disabilities. The claims in that lawsuit are that State Parks, including those operated by local entities such as yours, do not provide legally sufficient access for persons with disabilities. The parties to this litigation have been in settlement negotiations for some time, but have now reached a comprehensive class-wide settlement. The terms of the settlement are found in a consent decree, which has been approved by Judge Charles Breyer of the U.S. District Court, and is now final and binding on the parties. A copy of the Consent Decree (and some of its exhibits) is enclosed.

Pursuant to an earlier court order in this lawsuit, the Department comprehensively surveyed and developed a transition plan covering all programs, services, and activities at parks operated by the Department. The Department's transition plan provides for the removal of access barriers over the settlement period, with completion deadlines. In April 2000, in connection with the Department's surveying effort, the Department contacted each local operating agency to determine if it had prepared a Self-Evaluation and Transition Plan. Many of you responded affirmatively with copies of the documents. We appreciate your efforts in working towards achieving compliance with the Americans with Disabilities Act.

The Department has determined that the Consent Decree is in the best interest of the State. It provides an orderly, deliberate process for ensuring programmatic access for park users with disabilities, with adequate safeguards for all involved. It also provides a release, and protection, against future litigation for the term of the Consent Decree (which lasts until at least 2016).

Both the plaintiffs and the Department desire to include all of the Department's Locally Operated Parks in the scope of the Consent Decree. There are specific provisions that are applicable to Locally Operated Parks, such as yours. Those are found in paragraph IV.K. (and pages 10 to 12) of the Consent Decree. Those provisions set forth the requirements for a Locally Operated Park to participate in the Consent Decree, and obtain its benefits. Generally, those are:

- a. Providing a comprehensive self-evaluation and transition plan by [actual date six months after date of letter];
- b. Including in the transition plan a timeline for barrier removal which coincides with the priority level assigned to the Locally Operated Park;
- c. Adopting and implementing policies and procedures to ensure program access;
- d. Implementing the transition plan; and

- e. Participating fully in the reporting and monitoring provisions of the Consent Decree.

In addition, the Department will make every effort to provide guidance and assistance in your efforts to develop an adequate self-evaluation and transition plan (if you have not already done so), remove access barriers, and achieve compliance with the Consent Decree and the applicable laws. As you may know, the Department has trained staff that are well versed in disability access issues, and has developed the uncommon expertise of applying disability access principles to the park experience. In addition, the professional disability access expert that has been hired to monitor progress under the Consent Decree is available to you for consultation and advice (though at your cost).

Locally Operated Parks that comply fully with the provisions of the Consent Decree will be entitled to the benefits of the Consent Decree. This includes a release against future litigation. Your compliance will also ensure that park users with disabilities are provided with programmatic access, and that will be done within the orderly, deliberate context of the Consent Decree.

The Department urges you to participate in the Consent Decree. We hope that you will join us in this important, historic step forward. If your agency wishes to do so, please advise the Department by contacting [insert contact info] so that we may begin working with you to meet the terms and conditions of the Consent Decree.

Sincerely,

Ruth Coleman, Director
Department of Parks and Recreation

Enclosures

cc: Tim La Franchi, Chief Counsel
District Superintendent
Linda Canar, Accessibility Program
Caryn Craig, California Attorney General=s Office
Stephen Tollafield, Disability Rights Advocates