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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

November 25, 2024

Sue Donoghue
Commissioner
New York City Department of Parks & Recreation
830 Fifth Avenue
New York, NY 10065

Re: Park Accessibility for People
With Disabilities
Report 2024-F-13

Dear Commissioner Donoghue:

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 to implement the recommendations contained in our initial audit report, *Park Accessibility for People With Disabilities* (Report [2021-N-7](#)).

Background, Scope, and Objective

The New York City (NYC or City) Department of Parks & Recreation (Parks or agency), a mayoral agency, is the chief steward of City parkland. Parks' mission is to plan resilient and sustainable parks, public spaces, and recreational amenities; build a park system for present and future generations; and care for parks and public spaces. Parks maintains about 30,000 acres of land (14% of NYC), including more than 5,000 individual properties, nearly 1,000 playgrounds, more than 800 athletic fields, 65 public swimming pools, 51 recreation centers, 15 nature centers, and 14 miles of beaches (hereafter collectively referred to as "parks"). Its parks are also the setting for a range of attractions, including free concerts, world-class sports events, and cultural festivals.

NYC is home to 8.5 million people, including nearly 1 million individuals with a disability, and, based on 2020 estimates from the Mayor's Office for People with Disabilities, an annual destination for approximately 6 million visitors with a disability. For the 7 million people with a disability either living in or visiting NYC, access to the parks—and the necessary amenities therein, such as restrooms, sinks, water fountains, and concessions—is critical.

Title II of the 1990 Americans with Disabilities Act (ADA) prohibits discrimination against individuals with a disability in all programs, activities, and services of public entities, such as Parks. The U.S. Department of Justice (DOJ) regulations implementing Title II adopted ADA Standards for Accessible Design, which set forth minimum requirements—both scoping and technical—for newly designed and constructed or altered facilities to identify accessibility issues for existing structures. The DOJ regulations also required public entities to develop a Transition Plan detailing any structural changes that would be undertaken to achieve program accessibility

and specifying a time frame for their completion. In addition, between 2006 and 2009, Parks conducted assessment surveys (2006–2009 Survey) of 2,745 properties and facilities to identify accessibility obstacles. The results of the 2006–2009 Survey were intended to serve as the basis for the Transition Plan, establishing the steps necessary to complete essential changes to improve accessibility.

The objective of our initial audit, issued on March 22, 2023, was to determine whether Parks facilities were accessible for people with disabilities, as required. The audit covered the period from January 2015 through October 2022. The audit found that, while Parks had made progress in making more of its facilities accessible for people with a disability, its accessibility efforts were primarily focused on ensuring newly funded capital projects are ADA compliant, rather than removing identified barriers at existing facilities. In addition, the audit found that agency officials did not adequately monitor concession contractors to ensure they were complying with contractual obligations and other accessibility requirements, nor did Parks ensure that the facility accessibility information posted on its website was accurate and updated. Furthermore, Parks did not finalize a Transition Plan or develop formal rules, policies, and procedures pertaining to its ADA compliance. We also noted that accessibility was not among the agency’s performance indicators in the Mayor’s Management Reports (MMRs) during the preceding 10 years.

The objective of our follow-up was to assess the extent of implementation, as of September 26, 2024, of the seven recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

Parks officials made some progress in addressing the issues we identified in the initial audit report; however, more work needs to be done. Of the initial report’s seven audit recommendations, five were partially implemented and two were not implemented.

Follow-Up Observations

Recommendation 1

Reassess the information and status of accessibility barriers identified in the 2006–2009 Survey and revise as needed, review the potential barriers identified in this report to determine if they present accessibility issues, and begin addressing those barriers that can be rectified without much difficulty and expense.

Status – Not Implemented

Agency Action – Parks officials disagreed with this recommendation and did not take any action to implement it. Officials stated that Parks has limited resources, and they did not believe it was a sound practice to reassess information that was gathered back in 2006. In addition, officials conveyed that, as funding becomes available, the agency directs it to the improvement of properties. However, while we acknowledge that Parks may have limited resources, having updated accessibility information is imperative for addressing accessibility barriers. Furthermore, our original audit identified 309 instances where certain accessibility elements were not included in the 2006–2009 Survey.

Recommendation 2

Finalize and communicate the Transition Plan, establish the timeline, and monitor its implementation.

Status – Partially Implemented

Agency Action – While Parks finalized the Transition Plan in June 2024, we found that the plan does not include certain minimum requirements as prescribed in Title 28 – Part 35 of the Code of Federal Regulations. Specifically, the Transition Plan does not:

- Identify physical obstacles in the public entity’s facilities that limit the accessibility of its programs or activities to individuals with disabilities.
- Describe in detail methods that will be used to make the facilities accessible.
- Specify the schedule for taking the steps necessary to achieve compliance with this section and identify steps that will be taken during each year of the transition period if the period is longer than 1 year.
- Indicate the official responsible for implementation of the plan.

Instead, the Transition Plan appears to discuss the challenges the agency is facing that limit Parks’ accessibility compliance, such as funding, facilities constructed decades prior to the establishment of the ADA, and a variable topography and steep terrain in many parks. While recognizing these obstacles, we nevertheless emphasize the importance of the Transition Plan including the required elements, which can help the agency address and keep track of accessibility implementation.

Recommendation 3

Ensure accessibility signs at entrances to facilities are only placed at locations that comply with ADA requirements. When facilities are not accessible, provide directional signs to the nearest accessible alternative.

Status – Partially Implemented

Agency Action – While Parks addressed some of the directional signage issues we identified in our initial audit report, we found many of the previously identified issues still existed during our site visits in June and July 2024. Of the 30 specific accessibility signage issues identified in our initial audit report, Parks did not correct 18 issues in Manhattan’s Morningside Park.

Recommendation 4

Monitor concession facilities’ compliance with contractual obligations and other accessibility requirements.

Status – Partially Implemented

Agency Action – Parks officials stated that the agency has a Concessions Compliance Unit (CCU) that is dedicated to overseeing concessions. CCU is responsible for reviewing plans and construction and making changes to increase accessibility for all parks and concessions. Parks officials added that architects also review plans and construction

and work in coordination with Parks' Capital Division and the ADA (Accessibility) Coordinator to suggest changes, thereby increasing accessibility for all parks concessions undergoing capital improvements. However, we found that CCU has only one inspector whose primary responsibilities are to monitor the operation of concessions and maintenance as well as licensing and financial compliance. Further, the inspector does not look specifically at accessibility compliance. Nonetheless, we received documentation showing that, after we engaged our follow-up, Parks officials contacted one vendor regarding the importance of complying with ADA requirements. While Parks has a unit that oversees compliance by concession vendors, the agency needs to establish sound and consistent monitoring practices to ensure the vendors meet ADA requirements.

Recommendation 5

Ensure the accessibility information posted on the Parks website is accurate.

Status – Partially Implemented

Agency Action – Parks officials indicated that the agency continues efforts to gather additional accessibility information throughout its vast network of facilities and publish that information on its website. To verify whether accessibility information posted on the Parks website is accurate, we observed accessibility elements at 85 facilities in five parks throughout the City. We then compared our observations with the accessibility information posted on the agency's website for each respective park. Based on our observations, 63 of the 85 facilities are accessible. However, the Parks website indicates that only 22 of the 85 facilities are accessible.

Recommendation 6

Prioritize the improvement of facilities' and amenities' accessibility as a goal and performance indicator. Engage with the Mayor's Office to include accessibility as part of Parks' performance indicators in the Mayor's Management Report.

Status – Partially Implemented

Agency Action – In the latest final MMR, issued in September 2024, Parks included accessibility improvements among its performance indicators. However, the target and trend information is not available. We noted that, for 142 completed capital projects, the MMR only mentions two parks—Monsignor Kett Playground in Manhattan and Callahan-Kelly Playground in Brooklyn—with accessible properties or elements. However, the accessibility indicator does not show the progress of accessibility improvements. We encourage Parks to include targeted, actual, and trend accessibility information in future MMRs.

Recommendation 7

Formally develop and communicate rules, policies, and procedures pertaining to ADA compliance and implementation, as well as the duties and responsibilities of the ADA Coordinator.

Status – Not Implemented

Agency Action – Parks officials disagreed with this recommendation and did not take any action to implement it. Parks indicated that the agency has numerous mechanisms designed to ensure ADA compliance is built into its capital process—from public outreach through design and construction. However, we question how, without formal ADA rules, policies, and procedures, the agency can effectively communicate the compliance requirements and ensure their implementation.

Major contributors to this report were Dmitri Vassiliev, Margarita Ledezma, Tonya Channell, and Steven Townsend.

Parks officials are requested, but not required, to provide information about any actions planned to address any unresolved issues discussed in this follow-up within 30 days of the report's issuance. We thank the management and staff of Parks for the courtesies and cooperation extended to our auditors during this follow-up.

Sincerely,

Diane Gustard
Audit Manager

cc: Julie Zuckerbraun, NYC Department of Parks & Recreation