

Introduction

This report was prepared by Julee Quarve-Peterson, Inc. (JQP, Inc.) for the City of Duluth, MN. This report is intended to assist the City with the following:

- Understanding obligations under various state and federal regulations and guidelines to provide access to programs, services and activities for persons with disabilities
- Reviewing existing facilities/sites regarding program and facility accessibility

Methodology

JQP, Inc. conducted site visits to select sites throughout the City beginning in February 2013. The sites were reviewed for usability by persons with disabilities and for compliance with applicable codes and standards.

Recommendations are based on knowledge of the current interpretations of multiple regulations, legislation and guidelines, as well as over 32 years of experience working with clients similar to the City of Duluth, MN.

Julee Quarve-Peterson previously conducted an accessibility inspection for the City of Duluth, MN in 1983. In the past 30 years there have been changes to the facilities and their uses, as well as changes to the requirements.

Applicable Codes and Standards

As a public entity, the City of Duluth, MN is required to comply with specific state and federal laws that mandate that barriers to discrimination be removed to provide persons with disabilities equal opportunity. The following laws, codes and design guidelines specifically pertain to the City of Duluth, MN:

Section 504 of the 1973 Rehabilitation Act

Section 504 of the 1973 Rehabilitation Act states that entities receiving Federal financial assistance (directly or indirectly) must prohibit discrimination against "qualified individuals with disabilities" in their programs, activities or services.

Americans with Disabilities Act Title II & Regulations

The Americans with Disabilities Act (ADA) aims to provide equal opportunities for people with disabilities. The original ADA regulations were signed into law in 1990 and revised regulations were published on September 15, 2010. There are five titles:

- Title I: Employment
- Title II: Public Services and Public Transportation
- Title III: Public Accommodations
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

The focus of these reports are Title II.

2010 Standards for Accessible Design

The 2010 Standards for Accessible Design (2010 Standards) are the revised design requirements of the ADA (replacing ADAAG). There are scoping and design requirements for areas that were not previously covered, including recreation facilities such as swimming pools.

Minnesota State Building Code, Chapter 1341

The Minnesota Building Code regarding accessibility was implemented in November 1975 and updated in January 1996, May 1999 and most recently in July 2007. Any building remodeled, constructed or having a change of occupancy after that date must comply with the Minnesota State Building Code Chapter 1341 design guidelines. The Minnesota State Building Code, Chapter 1341 is enforced by local or state building officials.

Draft Final Accessibility Guidelines for Outdoor Developed Areas

The Draft Final Accessibility Guidelines for Outdoor Developed Areas were issued on October 19, 2009. They cover features commonly found in outdoor developed areas, including: camping, picnic, viewing areas, trails and beach access. These guidelines apply to federal projects, they do *not* apply to the City of Duluth, however they are currently the best available information.

Organization of the report

There are individual reports for each of the facilities and parks included in the report.

The building reports are in a database format and have been sorted by priority. The database identifies the location of the deficiency, recommended corrective action, applicable code reference and probable cost for corrective action. Captioned photographs are provided and photo numbers are referenced within the reports.

The park reports are in a narrative format, with findings and recommendations for each of the amenities provided. Photos are integrated into the report.

A color-coded summary chart has been created to provide a visual representation of the current level of accessibility for each of the facilities and parks surveyed.

Priority Definitions

Each barrier identified has been assigned a priority for corrective action to assist the City in developing a plan for barrier removal.

Buildings

The issues identified in the buildings were prioritized on a 4 priority scale.

Priority 1 recommendations are issues for upgrade of the highest priority. An accessibility issue was assigned a Priority 1 if it is one or more of the following:

- a barrier to reach or participate in a program
- an element or location that receives high public use
- an area that needs to be accessible without the luxury of time to prepare to accommodate an individual request
- a safety concern
- a programmatic fix
- easy to modify
- inexpensive

Priority 2 recommendations continue to provide greater levels of program accessibility. An accessibility issue will be assigned a Priority 2 if it is one or more of the following:

- a barrier to a significant number of individuals with disabilities
- a barrier that would create a major inconvenience to a person with a disability
- a unique area or element, not typically duplicated
- an area where there is a short period of time to plan for accommodating the requested of an individual

Priority 3 issues are recommendations to provide convenience of accessibility, such as additional locations of drinking fountains, toilet rooms, entrances, etc. An accessibility issue will be assigned a Priority 3 if it is one or more of the following:

- a barrier to a fewer number of individuals with disabilities
- a barrier that creates a minor inconvenience to a person with a disability
- a duplicated element or program
- an area where there is a greater amount of time to prepare for the arrival of an individual with a disability

Priority 4 recommendations are design elements which would be required for new construction, but in existing buildings do not critically affect the impact on program accessibility and recommended to be improved at such time the space undergoes repair, replacement or remodeling. For example, if faucet hardware located in a toilet room needs to be replaced, it should be replaced with hardware that requires single effort operation, i.e. single lever, dual blade or automatic sensor. Over a period of time, full accessibility will be provided through general upgrades.

Parks

The barriers identified in the parks were ranked on a 3 priority scale.

Priority 1: A barrier to a program that requires immediate corrective action

Priority 2: Feature does not fully comply, but would be usable by individuals with disabilities in the short term

Priority 3: Feature does not fully comply, but corrective action should be addressed at such time other work is being done and incorporated into larger projects

In addition to the priorities defined above, a *reactive* approach should be taken:


- to consider requests for modification from community members who request them (regardless of the priority identified in the report)
- to accommodate a qualified employee's request for accessibility upgrades to provide an appropriate work environment. (It is encouraged that the City establish a procedure to communicate with employees to determine appropriate needs.)


All new construction and remodeling should meet the new construction guidelines, regardless of priority.


Red - Yellow - Green Chart

The red - yellow - green charts are a visual representation of the current level of accessibility for each of the city facilities surveyed.

The key for colors used to describe the level of accessibility at each site is as follows:

- Green  The element is accessible or useable by persons with disabilities. Additional modifications *may* be necessary for full compliance.

- Yellow  The element may be useable by persons with disabilities but does not fully comply with design standards. Minimum modifications are necessary to make the element accessible.

- Red  The element is not currently accessible or does not exist.

City Hall	
	Overall
	Main Entry
	Skyway Entry
	Signs
	Door Hardware
	Door Width
	Service Counters
	Multi-Fixture Toilet Rooms
	Single User Toilet Rooms
	Assembly Areas
	Access Between Levels

Fyberger Arena	
	Overall
	Parking
	Main Entry
	Service Counters
	Team Rooms
	Multi-Fixture Toilet Rooms
	Single User Toilet Room
	Spectator Seating
	Team/Player Seating

Hartley Nature Center	
Overall	
Parking	
Exterior Route	
Main Entry	
Toilet Room	
Service Counter	
Classrooms	

Lake Superior Zoo	
Overall	
Parking	
Main Entry	
Admission / Tickets	
Dining	
Exterior Routes	
Toilet Rooms	
Exhibits	
Access Between Levels	

Lester Park - Clubhouse	
	Overall
	Parking
	Exterior Route
	Main Entry
	Service Counters
	Toilet Rooms
	Locker Rooms
	Dining
	Access Between Levels

Main Library	
Overall	
Main Entry- Michigan St.	
Main Entry- Superior St.	
Door Width	
Door Hardware	
Toilet Rooms	
Assembly Area	
Kitchen	
Locker Room	
Service Counters	
Self-Service Counter	
Pay Phone	
Access Between Levles	

Wade Stadium	
	Overall
	Parking
	Admission / Ticket
	Main Entry
	Concession
	Toilet Rooms- Multi-Fixture
	Toilet Rooms- Single-User
	Locker Room
	Player/Team Seating
	Spectator Seating

	Overall	Parking	Main Entry (or Upper Level Entry)	Lower Level Entry	Exterior Route	Toilet Room- Upper	Toilet Room- Lower Level	Kitchen	Stage	Concession Counter	Access Between Levels
Central Hillside Community Center	Yellow	Red	Green	Green	Red	Yellow	Green	Red	X	X	Red
Chester Bowl Chalet	Red	X	Red	Yellow	Yellow	X	Red	X	X	Yellow	Red
City Center West	Green	Yellow	Green	X	Yellow	Yellow	X	X	X	X	X
Duluth Heights Community Club	Yellow	Yellow	Green	Green	Green	Yellow	Red	Red	Red	Yellow	Red
Gary Recreation Center- Fire Station	Yellow	X	Yellow	X	Yellow	Yellow	Red	Red	Red	X	Red
Gary Recreation Center- The Shack	Green	Yellow	Green	X	Yellow	X	X	X	X	X	X
Goodfellowship / Morgan Park Community Club	Green	Yellow	Green	X	Green	Yellow	X	X	X	Yellow	X
Grant Community Club	Yellow	Yellow	Red	X	Red	Green	X	Red	X	X	X
Harrison Community Club	Yellow	Green	Yellow	X	Green	Yellow	X	Red	X	X	X
Lafayette Square	Green	Yellow	Green	Yellow	Green	Green	Red	Yellow	Red	Yellow	Red
Lincoln Park Community Club	Yellow	X	Green	X	Yellow	Red	X	Red	X	X	X
Lower Chester Community Club	Yellow	X	Red	X	Yellow	Yellow	X	X	X	Yellow	X
Merritt Community Club	Red	X	Red	Green	Red	X	Red	Red	Red	Red	Red
Norton Park Community Club	Red	X	Red	X	Red	Red	X	X	X	Yellow	X
Observation Community Club	Red	X	Red	X	Red	Red	X	X	X	Red	X
Park Point Beach House	Yellow	X	Green	X	Green	Red	X	X	X	Red	X
Piedmont Community Club	Yellow	Yellow	Yellow	Red	Red	Red	Red	Red	X	Red	X
Portman Community Club	Yellow	X	Yellow	Yellow	Green	Yellow	Red	Red	Red	Yellow	Red
Washington Center	Green	Red	Green	X	Yellow	Green	X	X	X	X	X
Wheeler Fieldhouse	Yellow	Yellow	Green	X	Yellow	Red	X	Red	X	X	X
Woodland Recreation/Community Center	Yellow	Yellow	Yellow	Yellow	Yellow	X	Red	X	X	Red	Red

Bayfront Park	Overall	Entry	Exterior Route	Toilet Room
Chambers Grove				
Enger *				
Fairmont Park				
Lake Walk				
Lester Park				
Lincoln Park				
MN Point Boat Landing				
Rose Garden				
Sport Court				

* Enger park was undergoing remodeling at the time of site visit.

Coney	Green	Green	Green	Green	Green
Library / Depot	Green	Yellow	Green	Green	Yellow
Medical	Green	Green	Green	Green	Green
Superior	Red	Green	Red	Yellow	Yellow
Technology	Green	Green	Yellow	Yellow	Green
	Overall	Quantity	Surface	Sign	Size

Fire Station 1									
Fire Station 2									
Fire Station 6									
Fire Station 7									
Fire Station 8 / City Center West									
Fire Station 10									
	Overall								
	Parking	X							
	Main Entry								
	Exterior Route								
	Toilet Rooms								
	Locker Rooms								
	Kitchen								
	Access Between Levels		X	X	X	X			

