

FACTS SHEET FOR NEWS RELEASE

Federal Class Action

Case name: *Tucker, et al. v. State of California Department of Parks and Recreation, et al.*

Case number: C 98-04935 CRB (PJH)

Court: U.S. District Court in the Northern District of California

Judge: The Honorable Charles R. Breyer, U.S. District Court Judge

Date Filed: December 29, 1998

Named Plaintiffs: Bonnie Tucker, Peter Mendoza, California Council of the Blind and Californians for Disability Rights

State Class Action

Case name: *Tucker, et al. v. State of California Department of Parks and Recreation, et al.*

Case number: 99-302586

Court: San Francisco Superior Court

Date Filed: April 6, 1999

Named Plaintiffs: Bonnie Tucker, Peter Mendoza, California Council of the Blind and Californians for Disability Rights

The California Council of the Blind (“CCB”) is a nonprofit tax exempt organization composed of blind, visually impaired and sighted Californians with a broad diversity of interests and professions. CCB provides blind student scholarships, advocates for rehabilitation reform and works to improve public access and transportation, education and technology.

Californians for Disability Rights (“CDR”) is the oldest and largest membership organization of persons with disabilities in California. Originally organized in 1970 as the California Association of the Physically Handicapped—CAPH—with five members, CDR has grown to become an effective and widely respected cross-disability advocacy force. CDR represents all persons with disabilities in California. Guided by this trans-disability principle, CDR and its members fight for the independence, dignity and equality of all disabled persons.

Plaintiffs’ Counsel: Disability Rights Advocates (“DRA”). DRA is a nonprofit public interest law center that specializes in high-impact civil rights litigation on behalf of persons with disabilities throughout California and the United States. Based in Oakland California, DRA strives to protect the civil and human rights of people with disabilities in the United States and worldwide. DRA works to end discrimination in areas such as access to employment, transportation, education, housing and public accommodations and services.

Defendants: State of California Department of Parks and Recreation, Ruth Coleman in her official capacity as Director, and the State of California

Defense Counsel: Office of the California Attorney General. The Attorney General serves as legal counsel to state officers and, with few exceptions, to state agencies, boards and commissions.

California Department of Parks and Recreation: manages more than 270 park units, which contain the finest and most diverse collection of natural, cultural, and recreational resources to be found within California. Responsible for almost one-third of California's scenic coastline, California State Parks manages the state's finest coastal wetlands, estuaries, beaches, and dune systems. State Park units include underwater preserves, reserves, and parks; redwood, rhododendron, and wildlife reserves, state beaches, recreation areas, wilderness areas, and reservoirs; state historic parks, historic homes, Spanish-era adobe buildings, including museums, visitor centers, cultural reserves, and preserves; as well as lighthouses, ghost towns, conference centers, and off-highway vehicle parks. The State Parks system includes nearly 1.4 million acres, with over 280 miles of coastline, 625 miles of lake and river frontage, nearly 15,000 campsites, and 3,000 miles of hiking, biking and equestrian trails.

Summary of Barrier Removal Plan Agreed to in the Class Settlement Agreement:

a) **Implementation of Accessibility Transition Plan:** Pursuant to the settlement negotiations, the Department of Parks and Recreation has conducted a comprehensive self-evaluation and has formulated a transition plan that sets forth a schedule to provide programmatic accessibility. The Parties jointly selected and the Department has hired Moore Iacofano Goltsman Inc. ("MIG"), a firm with substantial experience in evaluating the accessibility of programs, services, activities and facilities, to monitor the Department's implementation of the transition plan. This monitor will provide periodic compliance reports to the Parties.

b) **Accessibility Guidelines:** The Department has an internal guide, called the "California State Parks Accessibility Guidelines", which sets forth standards for providing access to facilities and activities at California State Parks. As part of the settlement, the Guidelines have been extensively revised to incorporate improved access standards. The Guidelines will be used as the standard for implementing access improvements pursuant to the Consent Decree. All of the accessibility modifications and accommodations provided by the Department of Parks and Recreation will comply with federal and state standards of accessibility, whichever applies and provides the higher level of access. All new parks acquired and/or new construction undertaken by the Department will conform to the applicable access standards.

c) **Park Activities:** The Department will make park activities (including bicycling, boating, exhibits/interpretive programs, camping, fishing, hiking, horseback riding, off highway vehicle use, picnicking, visitor center/museum and water access) programmatically accessible. The Department will make supporting facilities, such as park entrances, parking, paths of travel, restrooms, telephones, drinking fountains and signage, programmatically accessible. The Department's Transition Plan prioritizes park units into "levels" for program activity accessibility improvements based upon a number of factors, including usage, the number of activities offered, the uniqueness of the programs offered, and geographic distribution:

- (1) Level 1 parks receive the highest volume of visitors. The Department will complete access improvements at Level 1 units by June 30, 2009. Access work at Level 2 parks will be completed by June 30, 2012, and work at Level 3 parks will be finished by June

30, 2014. The Department will complete access improvements at Level 4 parks, which account for only 4% of all California State Park visitations, by June 30, 2016.

(2) Under the Consent Decree, every park activity at Level 1 parks will be accessible. “Major Activities” at Level 2 and Level 3 parks will be accessible, and select activities at Level 4 parks will be accessible.

d) **Trails:** Each Level 1 park with three or more trails will have at least three accessible trails totaling at least 2.5 miles of accessible pathways. Level 2 parks with two or more trails will have at least one mile-long accessible trail and one half-mile accessible trail, while Level 3 parks with at least one trail will have at least one accessible half-mile trail. Level 4 parks with one trail will have at least one trail that is .25 miles long. The Department will make its reasonable best efforts to maximize the variety and quality of the outdoor experience offered to trail users with disabilities. The Department will provide information on its website that describes the accessible trails and the location of the nearest accessible restroom.

e) **Locally Operated Parks:** There are currently 27 park units statewide that are owned by the State of California but which are operated entirely by local entities. These “locally operated parks” shall receive a letter offering the opportunity to participate in the Consent Decree. In exchange for completing a comprehensive transition plan and committing to all of the access and monitoring obligations described in the Consent Decree, the locally operated park will obtain the benefit of the class wide release of liability for injunctive relief. The class and individual class members will retain their right to seek injunctive relief against that locally operated park if a locally operated park (1) declines to voluntarily participate in the Consent Decree or (2) agrees to participate but does not meet its obligations.

f) **Accessible Concessions:** The Department contracts with third parties to operate concession facilities on state parkland, ranging from a large conference center to individual food and beverage stands. The Department will oversee accessibility for concessionaires, including making reasonable good faith efforts to ensure that existing concessions meet the access standards of the Consent Decree with all deliberate speed. The Department will additionally ensure that new concessions comply with the Consent Decree by the time they begin operation.

g) **Monitoring:** The Consent Decree provides for extensive monitoring and reporting on the Department’s implementation of its transition plan and trail plan. Accessibility expert MIG shall monitor the Department’s compliance throughout the settlement period, ending June 30, 2016. The Department will provide MIG and Class Counsel with semi-annual written reports on the disability access work conducted pursuant to the Consent Decree, as well as Yearly Work Lists detailing efforts to identify and remove access barriers to participation in Department programs. MIG shall conduct spot inspections of 5% of the access improvement projects reported in the semi-annual reports.

h) **Enforcement:** The Court will retain jurisdiction to enforce the Consent Decree, and the Parties will address any dispute regarding compliance with the Consent Decree through a dispute resolution process set forth in the Decree. The steps available to the Parties to address disputes include the opportunity to meet and confer to attempt to resolve the dispute.