

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 1225 (Bennett) – As Introduced February 21, 2025

SUBJECT: State parks and state beaches: Accessibility Advisory Committee

SUMMARY: Requires the Director of the Department of Parks and Recreation (State Parks) to establish an Accessibility Advisory Committee (AAC). Specifically, **this bill:**

- 1) Requires the AAC to serve in an advisory capacity to the Director and make recommendations for improving the accessibility of units in the State Park system and state beaches for individuals with disabilities.
- 2) Requires the ACC to include the Director, the Director's designees, and additional members with demonstrated experience in public accessibility requirements, as appointed by the Director.
- 3) Requires the Director to consult with the ACC, consider ACC recommendations, and implement those recommendations as the Director deems appropriate.
- 4) Prohibits a member of the ACC from receiving compensation, but permits a member to be reimbursed for reasonable and necessary expenses in connection with service on the AAC.

EXISTING LAW:

- 1) Establishes the Americans with Disabilities Act of 1990 (ADA) [42 United States Code §§ 12101 *et seq.*]. Pursuant to ADA:
 - a) Congress finds that physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society; and
 - b) No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation.
- 2) Provides, pursuant to the state Unruh Civil Rights Act, that all persons, regardless of disability or medical condition, among other things, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind [Civil Code § 51(b)].
- 3) Provides that, pursuant to the state Disabled Persons Act, individuals with disabilities or medical conditions have the same rights as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, and medical facilities including hospitals, clinics, and physicians' offices, public facilities, and other public places, and also provides that a violation of an individual's rights under the ADA constitutes a violation of state law (Civil Code § 54).

- 4) Establishes the California Commission on Disability Access (CCDA), an independent state agency composed of 17 members, with responsibility for monitoring disability access compliance in California and the authority to hold hearings and make recommendations to the Legislature for necessary changes to existing state law in order to facilitate implementation of state and federal laws on disability access (Government Code §§ 14985 *et seq.*).
- 5) Requires each state agency to establish a committee of employees who are individuals with a disability, or with an interest in disability issues, to enhance employment and promotional opportunities for the disabled community, as well as weigh in on the implementation of ADA (Government Code § 19795).
- 6) Establishes the Secretary of State's Voting Accessibility Advisory Committee, which makes recommendations to the Secretary to improve accessibility in the voting process (Elections Code § 2053).
- 7) Establishes the Secretary of State's Language Accessibility Advisory Committee, which makes recommendations on issues related to language accessibility of elections and election materials (Elections Code § 2600).
- 8) Allows State Parks to enter into 'community access agreements' that allows eligible entities to use property within the state park system to provide interpretive and visitor services to underserved park uses, including those with disabilities (Public Resources Code § 5009.5).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** According to the author, "California's parks and beaches should be accessible to everyone, but many still face barriers that limit their ability to enjoy them. With 1.6 million acres owned by State Parks and 280 miles of coastline, it's essential that we remove obstacles and create truly inclusive outdoor spaces. [This bill] establishes [the AAC] within [State Parks] to assess current challenges and recommend improvements, ensuring our public lands meet the needs of all visitors. By prioritizing accessibility, this bill helps make California's natural beauty open to everyone, regardless of ability."
- 2) **Background.** According to the State Parks website, one of the core values at State Parks is cultural diversity and accessibility. Most state park units were established, and have trails and facilities, that were put in place before ADA or the state equivalent. According to the 2003 Transition Plan from the Accessibility Section of State Parks, even before the passage of the ADA, State Parks had been working to make its parks and programs accessible to all visitors. Extensive efforts began in the early 1980's when the State Parks created the Disabled Advisory Committee (DAC) comprised of persons with disabilities, including State Park employees as well as members of the general public, and advocates for accessibility issues. A few years later a special task force including some members of the DAC began an intensive study on access to facilities within the parks. Input from these groups led to the 1994 production of Access to Parks Guidelines, a manual for park staff recommending optimal standards for accessibility within parks, which contains the most stringent standards from the federal and state accessibility regulations. According to State Parks, the DAC lost a majority of its membership as a result of COVID and retirements, although efforts are underway to

reestablish DAC. Additionally, State Park's DAC was before the requirements of Equal Employment Opportunity Program (see Existing Law #5), as such, as State Parks rebuilds its DAC, its objective will primarily be to advise the Director of State Parks on matters related to equal opportunity and access for employees.

Disability accessibility at parks. Accessibility at State Parks is guided by the Accessibility Guidelines, 2015, which is developed by the Accessibility Division at State Parks. The Guidelines embody a compilation of accessibility standards, recommendations, and regulations for compliance with accessibility laws and are intended for practical use throughout state parks in regular maintenance duties, construction projects, and to understand and review the work of outside contractors. These guidelines cover times from assistive listening systems to portable toilets and sinks.

Accessibility improvements are ongoing at state park units and each unit of the state park system has a webpage that describes the accessible facilities of each park and the degree to which there are any deviations from current accessibility standards. At the bottom of each of those webpages is a contact in order for park users to request updates to the provided information. Additionally, there is a mechanism by which to file a comment or complaint regarding access to state park units, which is also detailed on State Park's website.

State Parks currently provides a few mechanisms by which to increase access to persons with disabilities. State Parks provides a pass to persons with permanent disabilities that entitles the pass holder to a 50% discount for family camping and boat-use fees at over 100 units operated by State Parks. Wheel chairs and manually-powered aids (e.g., walkers, crutches) are allowed in all state park areas that are available to the public. Further, State Parks allows the use of Other Power-Driven Mobility Devices (OPDMD) (i.e., battery, fuel, or engine-powered mobility devices) in areas of parks where the use of OPDMD would not cause harm to the natural or cultural resources and would not fundamentally alter the nature of services, programs, or activities provided. Qualified service animals are allowed into all state park areas that are available to the public. State Parks is also continuing to improve the accessibility of its website for physical disabilities.

Further, State Parks develops and publishes a Statewide Comprehensive Outdoor Recreation Program (SCORP), which is a five-year plan to establish grant priorities to address unmet needs for public outdoor recreation land throughout California. SCORP is the mechanism by which the state maintains eligibility for federal Land and Water Conservation Fund grants, which, among other things, can be used to invest in projects that improve access for visitors with disabilities.

Tucker Consent Decree. In 2005, a group of plaintiffs (Bonnie Tucker, Peter Mendoza, California Council of the Blind, and Californians for Disability Rights) filed a class action lawsuit against the California Parks System, alleging that they were "denied their right to full and equal access to, and use and enjoyment of facilities and programs of [State Parks] because of architectural and programmatic barriers."

In settling *Tucker v. State of California Department of Parks and Recreation, et al.*, State Parks agreed to improve access to its parks through comprehensive architectural and programmatic barrier removal. As part of the settlement (i.e., Tucker Consent Decree), Disability Rights Advocates monitors the progress of State Park's accessibility improvements. These improvements include making a reasonable portion of the trail system

accessible for people in wheelchairs, providing access to beaches and shores, providing accessible signage for blind and low vision park visitors, and providing captioned videos and sign language interpreters for park activities.

As a part of the Tucker Consent Decree, State Parks has a list of about 200 projects ranked based on priority using a scale of 1 to 4 based on location, level of use, the number of activities offered, and how unique a program may be. Based on State Parks 2023 Benchmark analysis, about 65% of projects on their 2005 list have been completed. When the consent decree was first enacted in 2005, the schedule required that the upgrades be completed between 2009 and 2016, depending on the priority scale ranking. The current amended consent decree pushed back these dates, now requiring projects be completed between 2026 and 2038.

According to Disability Rights Advocates, State Parks has allocated over \$90 million in funding for access improvements to over 65 parks and has completed a total of 73 accessible trail projects, but because some of these projects were completed almost 20 years ago, there is ongoing maintenance and updates needed. The sponsors also acknowledge that State Parks adheres to the ADA and Title 24; however, they do note that State Parks does not consult with individuals with disabilities or disability advocacy groups during the planning of new trails or facilities.

- 3) **Proposed committee amendments.** As there are ongoing efforts at State Parks to both maintain and improve quality access for persons with disabilities, through both the Accessibility Division and as prescribed in the Tucker Consent Decree, it will be helpful to develop an AAC that is better integrated into those existing efforts. *The committee may wish the author to amend the bill to include relevant staff at State Parks and provide more specificity in the goals of the AAC.*

5008.9. (a) The director shall establish an Accessibility Advisory Committee. The committee shall serve in an advisory capacity to the director and make recommendations for improving the accessibility of units of the state park system ~~and state beaches~~ for individuals with disabilities.

(b) The committee shall consist of *no less than 10 members, including the Chief of the Accessibility Divisions from the department, no more than two additional representatives from the department* ~~the director, the director's designees, and~~ and additional members with demonstrated experience in public accessibility requirements *for individuals with disabilities*, as appointed by the director.

(c) *The committee shall:* ~~The director shall consult with the committee and consider the committee's recommendations related to improving the accessibility of units of the state park system and state beaches for individuals with disabilities.~~

(1) Evaluate disability accessibility models and provisions from relevant federal and state park systems.

(2) Review services, programs, and activities offered by the department.

(3) Provide recommendations on draft general plans and subsequent amendments, as requested by the department.

(d) The director may implement the committee's recommendations as the director deems appropriate.

(e) ~~(d)~~ A member shall not receive compensation, but each member shall be reimbursed for the member's reasonable and necessary expenses in connection with service on the committee.

- 4) **Arguments in support.** This bill's sponsors, Disability Rights Advocates, write that full participation in outdoor spaces remains a systemic issue and that this bill will provide a "critical step toward rectifying these longstanding inequities by establishing an advisory body dedicated to improving accessibility in our state's parks and coastal areas." They also note the health benefits from nature-based recreation. California Outdoor Recreation Partnership also notes that the AAC is a natural and needed extension of the state's Outdoors For All initiative. Several letters also cite the value in having more accessible public spaces to discourage stereotypes and misconceptions that individuals with disabilities are not interested in enjoying nature.
- 5) **Related legislation.** AB 1150 (Committee on Water, Park, and Wildlife) Chapter 831, Statutes of 2023, allows State Parks, through January 1, 2029, to enter into community access agreements with eligible entities to provide interpretive services and visitor services at units of the state parks system to underserved park users

SB 1608 (Corbett), Chapter 549, Statutes of 2008, established CCDA.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California (sponsor)
 BORP Adapted Sports and Recreation
 California Outdoor Recreation Partnership
 California State Council on Developmental Disabilities
 Disabled Hikers
 Nature Collective
 The Coelho Center for Disability Law, Policy, and Innovation

Four individuals

Opposition

None on file

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