

RECOMMENDATIONS APPLICABLE TO ALL BEACHES

Update on Progress on Implementation of the March 2024 Recommendations and Compliance with Accessibility Standards¹

(March 2024 Recommendations in standard back font. Updated observations or further recommendation are *in red italics*.)²

*Note: One of our February/March 2024 general recommendations to all municipal and non-profit beach operators was for them to provide an action plan as to how and when the necessary improvements would be made. To MVLB's credit, on April 1, 2024, MVLB furnished a "Universal Accessibility Projects and Timeline (hereinafter "Project timeline"). How MVLB has progressed relative to both their own project timeline and our recommendations are outlined below.*³

1. Publicize and otherwise inform the public of the accessibility features of your beach on your own website and print publications as well as through other websites, social media, print publications, and rating sites that the public commonly uses. Below is a non-exhaustive list of suggestions of the latter.

*MVLB's website has a dedicated section describing accessible properties. Some of the beach properties surveyed in this project are mentioned, e.g. Chappy beach, Hillman's, Dough Cove. While the page represents a very good effort, has a good format and offers valuable information, **it needs of updating** and/or a review against the federal and state standards. For example, none of accessible routes go to the high-water mark or, for example, in the case of the Chappy beach which has a wooden walkway now such disrepair, it is no longer useable for a wheelchair user or others with mobility challenges.*

2. Determine and install appropriate signage near and/or at the beach with regard to accessible parking, accessible entrances, accessible facilities, large beach wheelchair(s) and floating wheelchair(s).

See individual beach-by-beach recommendations.

2A. With regard to **large beach wheelchairs** we have recommended that at least one be available per beach and generally onsite at the beach entrance or lifeguard station or alternatively a phone call away. As to **floating wheelchairs**, we are recommending they should only be available in a similar fashion but only when a lifeguard is present and weather conditions permitting. While both types of chairs can be locked up. If they are, there should be a quick, consumer-friendly and accessible way to unlock them for use. FYI—At least three or four town or other entities, keep

¹ For standards specifications/dimensions for beaches, see the USDA's Forest Service *Accessibility Guidebook for Outdoor Recreation and Trails*, 8/2012 <https://www.fs.usda.gov/sites/default/files/Accessibility-Guide-Book.pdf>.

² The original recommendations were furnished in March 2024 and were based principally on June 2023 beach operators' self-surveys and September and October 2023 follow up on-site visits by Dukes County Assoc. Commissioner for Disabilities. This update is based on an 9/3/24 visit.

³ The project timeline merely referenced years (e.g. 2024, 2025) as opposed to more specific dates for implementation/completion. While it has been presumed that this meant before the season began in the year specified, clarification was requested.

their wheelchairs or floating chairs unlocked, including over-night, and in one or two cases, year-round without apparent incident.

See individual beach-by-beach recommendations

3. Ensure that involved staff have the requisite information to carry out their responsibilities with respect to accessibility e.g. staff who are the contact points for inquiries, calls and information; lifeguards; or other onsite or offsite staff.

Undetermined.

4. We recommend that the elements and actions necessary to achieve accessibility be organized into an action plan with timelines and responsible persons and be approved by the necessary authorities to best assure that the goals are achieved. Also, set timelines for easily achieved elements so that they can be in place for the upcoming season. For other elements, a phased-in approach over one or more of the following seasons may be reasonable or necessary.

MLVB provided an “Universal Accessibility Projects Timeline” on April 1, 2024. It addressed many but not all the cited deficiencies. See the individual beach-by-beach recommendations to see which deficiencies/recommendations were or were not mentioned, and if mentioned and due, whether they were implemented. As to other concerns in the Project Timeline, I described those in a May 3, 2024 memo. It includes clarification concerning the timelines. The timelines mentioned only referenced years e.g. by or during 2024, 2025 or 2026. There are no more specific dates and perhaps more importantly, it did not indicate whether the completion date was by the end of the specified calendar year or before the respective season started, e.g. prior to Memorial Day 2024, by July 1, 2025, or just prior to the 2025 Season, etc.

It is recommended that you refine/update your Project Timeline taking into account my May 3 response to your Project timeline, including the need for clarification about the yearly timelines, and other relevant developments and factors.

5. One additional caveat. The recommendations made for each beach took into account that there are recognized situations in which full accessibility cannot be achieved. These are incorporated in various federal and state laws and standards. Most relevant are exceptions contained in the USDA Accessibility Guidebook, pp. 31-35, 76.⁴ Four exceptions to full accessibility compliance are recognized—

- a. Where compliance is not practical due to terrain.
- b. Compliance cannot be accomplished with the prevailing construction practices.
- c. Where compliance with the technical requirement would fundamentally alter the function or purpose of the facility or the setting.
- d. Where compliance is precluded because cultural, historic, or significant natural features are protected under federal, state, or local law.

⁴ <https://www.fs.usda.gov/sites/default/files/Accessibility-Guide-Book.pdf>

In the beaches we reviewed across the Island, with very few exceptions we found that full accessibility compliance was feasible. However, we did not perform the kind of in-depth assessment that may have revealed all the facts or factors which would trigger one the exceptions. That said under the USDA guidebook, given modern technology and the importance of accessibility, the standards for each exception are very strict. And even when full accessibility cannot be achieved, as much accessibility as possible should be provided.

6. For any significant changes or improvements to the beaches, it is recommended that input be obtained from the public, including especially from individuals with disabilities or other groups most directly affected, such as senior citizens. This could be done by surveying, solicitation of written or electronic communication, and/or at a public hearing. *Not reported on or known.*

Here are some apps or websites that can, and in some cases already provide, information about accessible elements and features about Martha's Vineyard beaches.

- Trails MV (maintained by Sheriff's Meadow Foundation)
- MV Chamber of Commerce <https://www.mvy.com/beaches-marthas-vineyard/?ss360SearchTerm=beaches>
- Vineyard Visitor by MV Times <https://vineyardvisitor.com/category/see-do/beaches/https://vineyardvisitor.com/2017/09/11/shoulder-season-way-onto-lamberts-cove-beach/>
- <https://mvol.com/beaches/> MV Gazette
- MA DCR. https://www.mass.gov/info-details/accessible-beaches?_gl=1*_1suykta*_ga*NDI2ODMxMzE2LjE3MTAwMzcyMTY.*_ga_MCLPEGW7WM*MTcxMDAzNzMyNi4xLjAuMTcxMDAzNzMyNi4wLjAuMA

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