

DA0201A
Department of Disabilities

Accessibility Modifications (Statewide)

General Obligation Bonds **\$1,600,000** **Recommendation:** **Adopt committee
narrative**

Bill Text: Provide funds to design and construct handicapped accessibility modifications at State-owned facilities.

Program Description: This program provides funds to eliminate architectural barriers in State-owned facilities and allows the State to move toward compliance with the federally mandated Americans with Disabilities Act (ADA) of 1990. This program helps reduce the liability of the State for noncompliance with ADA. It also helps to increase access to State programs, services, and employment opportunities. Each year, the Maryland Department of Disabilities (MDOD) requests projects for funding from State agencies and the public higher educational institutions. The projects funded within this program are part of a long-term effort, and the program will require funding beyond fiscal 2015. The fiscal 2011 proposed projects would provide funds to improve accessibility by designing and constructing nine projects, including multi-year and carryover projects.

The specific projects included under this program must complete design within two years of receiving approval from the General Assembly to remain eligible for funding from MDOD. If the design is not completed and approved in that time period, the project becomes ineligible for funding. Information provided by MDOD indicates that 21 projects proposed between fiscal 1999 and 2006 have been declared ineligible based on the two-year design rule. To date, no projects proposed since that time have been declared ineligible.

Beginning with funds encumbered in fiscal 2010, MDOD has added an additional timeline to maintain eligibility for funding through this program. This policy requires agencies to initiate construction within six months of the approval of the project design. No projects have been declared ineligible as a result of this policy to date.

MDOD indicates that ineligibility for funding does not relieve the agency of the obligation to make the modification. While MDOD notes that agencies are responsible to complete projects after the project is declared ineligible, information is not available from MDOD on whether these projects have been completed because MDOD has no means by which to require State agencies to complete the modification.

Prior Authorization and Capital Improvement Program

**Authorization Request
(\$ in Millions)**

<i>Fund Source</i>	<i>2009 Approp.</i>	<i>2010 Approp.</i>	<i>2011 Allowance</i>	<i>2012 Estimate</i>	<i>2013 Estimate</i>	<i>2014 Estimate</i>	<i>2015 Estimate</i>
GO Bonds	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600
Total	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600	\$1.600

Authorization Encumbrance and Expenditure Data

**Authorization Summary
(\$ in Millions)**

<i>Fiscal Year</i>	<i>Authorization</i>	<i>Funds</i>		<i>Balances</i>	
		<i>Encumbered</i>	<i>Expended</i>	<i>To Be Encumbered</i>	<i>To Be Expended</i>
Prior Years	\$23.957	\$23.957	\$23.920	\$0.000	\$0.037
2006	1.300	1.300	1.222	0.000	0.078
2007	1.600	1.600	1.430	0.000	0.170
2008	1.600	1.378	0.884	0.222	0.716
2009	1.600	0.812	0.339	0.788	1.261
2010	1.600	0.000	0.000	1.600	1.600
Total	\$31.657	\$29.046	\$27.794	\$2.611	\$3.863

Program Analysis and Performance

The proposed fiscal 2011 general obligation (GO) bond authorization for this program remains at \$1.6 million, consistent with the 2009 *Capital Improvement Program*. This is the same level of funding for nearly all recent years, with the exception of fiscal 2006 when the program was authorized at \$1.3 million. However, the total estimated cost for projects funded in fiscal 2011, including projects carried over from prior years, is approximately \$2.7 million. This total estimated cost consists not only of amounts authorized for fiscal 2011, but also:

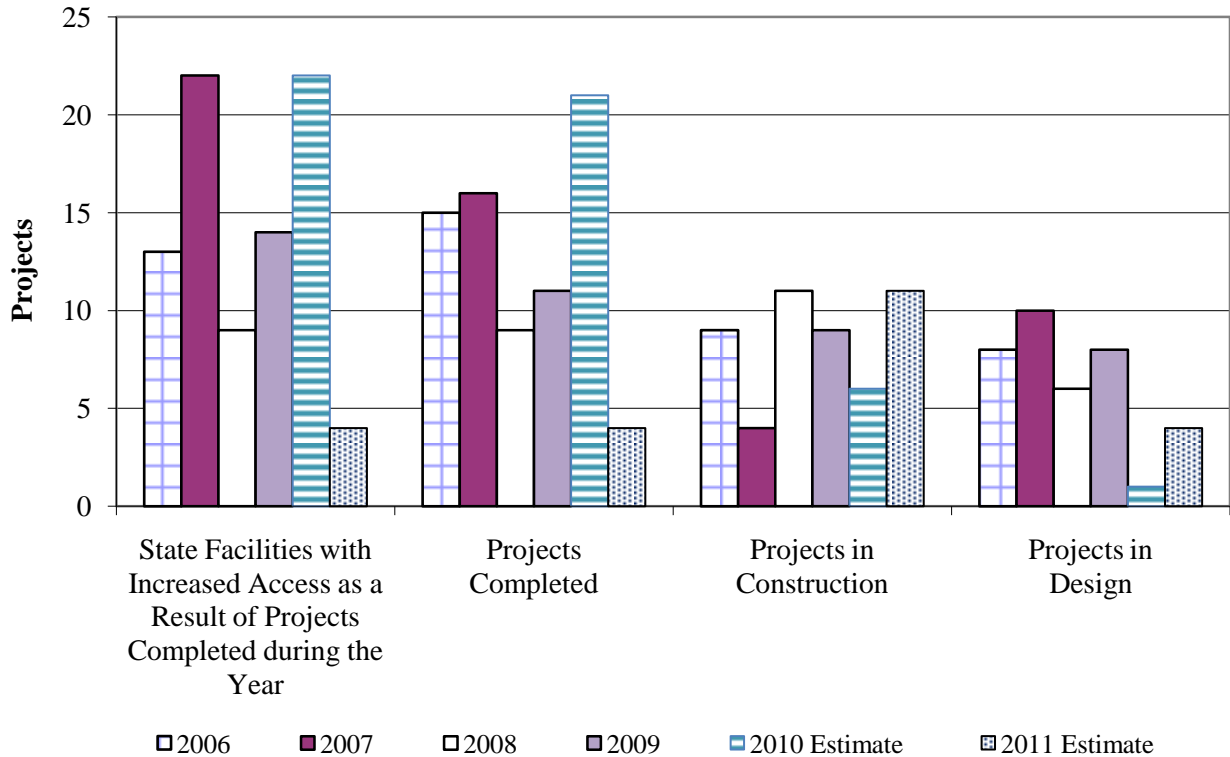
- funds authorized previously for projects proposed for fiscal 2011, including two carryover projects (\$554,736); and
- a planned future authorization for a carryover project (\$258,100).

The total cost of these projects in fiscal 2011 is approximately \$1.9 million, excluding prior and future authorizations. However, as a result of adjustments for cash flow and available funds from prior years, the fiscal 2011 cost is anticipated at \$1.6 million. The program is administered on a cash-flow basis; therefore, each year the total estimated cost of proposed projects exceeds the appropriation, and projects are funded on a first-come, first-served basis until funds are exhausted. This approach means that each year there are funds for projects previously approved by the legislature for funding but not yet initiated, as well as new projects.

The nine projects included in the fiscal 2011 project list include five new projects (\$928,900) and four carryover projects (\$943,383). The relatively few new projects results from the need to carryover some of the older projects due to authorization levels for projects exceeding the appropriation in those years. This cash flow process has limited the availability of funds for new projects in fiscal 2011. The size of projects also limits the number of new projects in fiscal 2011. One of the new projects accounts for 40% of the total GO bond authorization and more than two-thirds of the GO bond funds available in fiscal 2011 for new projects. **MDOD should comment on whether it anticipates being able to fund more new projects and require fewer carryover projects in fiscal 2012.**

As shown in **Exhibit 1**, in fiscal 2010, MDOD anticipates 21 projects will be completed, an increase of 90.9% compared to fiscal 2009. This level of completed projects is higher than in all recent fiscal years. However, the number of projects completed in fiscal 2011 is estimated to decrease by approximately 81.0% to 4. After anticipating decreases in the number of projects in construction and in design between fiscal 2009 and 2010, the number of each is expected to increase in fiscal 2011.

**Exhibit 1
Year-end Project Status
Access Maryland
Fiscal 2006-2011**



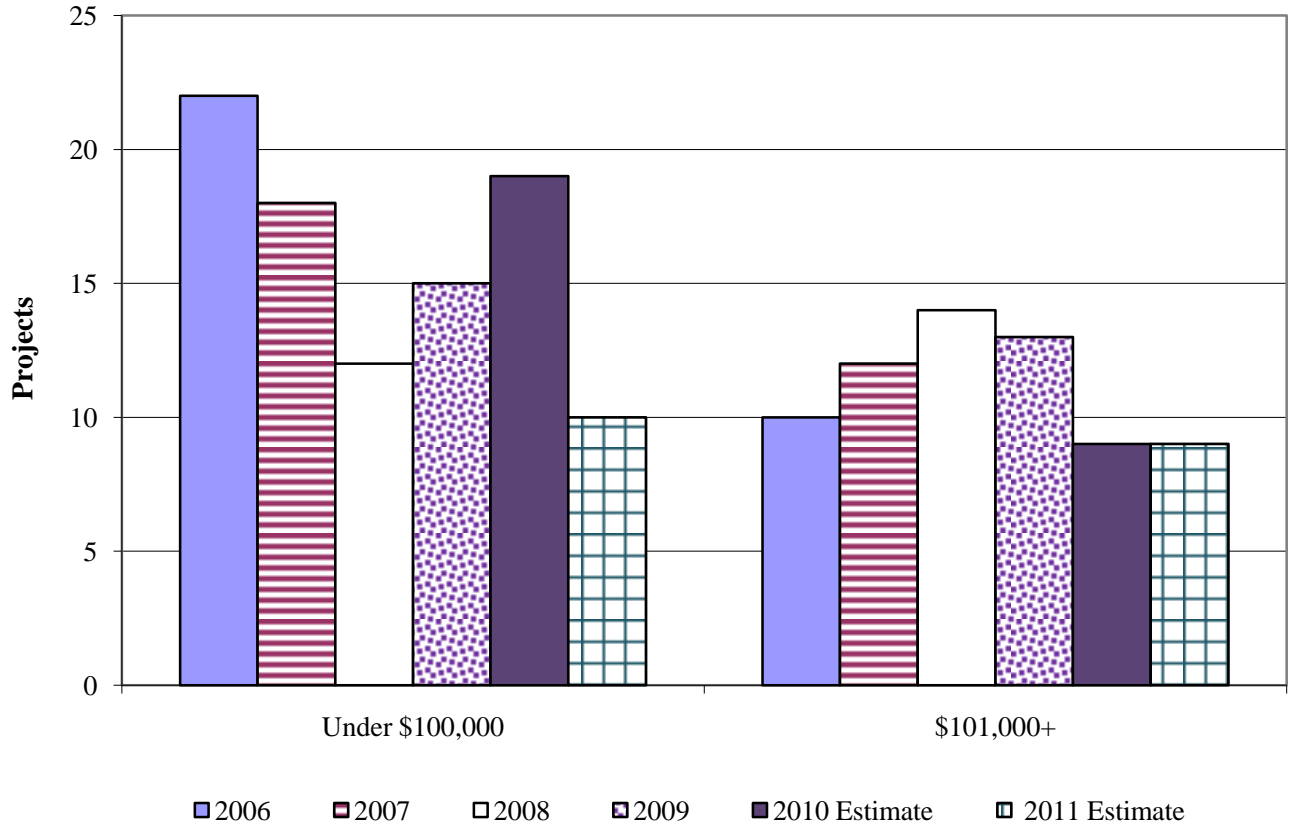
Note: Projects are total active projects in a fiscal year, not the number of authorized projects for that fiscal year. Projects may appear in multiple fiscal years. Some projects involve multiple facilities meaning that the number of State facilities with increased access as a result of projects completed during the year may be higher than the number of projects completed.

Source: Department of Disabilities; Governor’s Budget Books

MDOD should comment on whether it anticipates completing more projects in fiscal 2012.

As shown in **Exhibit 2**, the number of higher cost projects in this program has generally been increasing in recent fiscal years, while the number of lower cost projects has been decreasing. However, this trend began to reverse in fiscal 2009. In fiscal 2011, the number of lower cost projects is expected to decrease by nearly half, while the number of higher cost projects is expected to stay relatively stable. This reflects, in part, fewer active projects in that fiscal year than in other years, resulting from fewer new projects expected to be initiated, and fewer projects remaining from prior years that have not been completed.

**Exhibit 2
Project Cost
Access Maryland
Fiscal 2006-2011**



Note: Projects are total active projects in a fiscal year, not the number of authorized projects for that fiscal year. Projects may appear in multiple fiscal years.

Source: Department of Disabilities

Issues

1. Estimation of Project Costs

MDOD indicates that since fiscal 1998, approximately 48 projects included in the Access Maryland project list have not been completed with funds provided through this program. Of these projects, 21 were declared ineligible and an additional 27 were not completed with funds from this program for other reasons. **Exhibit 3** summarizes the reason why these Access Maryland projects have not been completed.

Exhibit 3 Reasons for Projects Not Completed Fiscal 1998-2010

<u>Reason</u>	<u>Number of Projects</u>
Ineligible	21
Agency chose not to complete	10
Completed as part of another project or with another fund source	9
Status unknown	4
Funds used for a project funded in a previous year	4

Note: Projects within the same building and from the same year may be included in multiple categories and counted as separate projects because various aspects of the project may not have been completed with Access Maryland funds for different reasons.

Source: Maryland Department of Disabilities

Ten projects were not completed because the agency chose not to proceed. At least one project is included in this categorization because the agency decided to close the facility where the project was located.

Four of the projects will not be completed because the funds expected to be used for this project were instead used for projects authorized in a prior year, typically due to higher than anticipated costs. While only four projects have not been completed for this reason, two of these occurred in fiscal 2010. These projects may be resubmitted but not always and are not guaranteed funding in the year it is first resubmitted. **MDOD should explain the process for estimating project costs and what processes it undertakes to ensure the project cost estimation is accurate to limit the need for project funding to be given up to complete another project.**

MDOD explained that while it is typically notified that a project will not move forward, it does not currently have a written policy requiring prior notification to MDOD or review by MDOD. Because the agency still has an obligation to complete a project and Maryland has an obligation to ensure State facilities meet accessibility requirements, MDOD should be required to review agency determinations not to proceed with a project to ensure that either a plan is in place to complete the project or that the project is actually not needed. **The Department of Legislative Services (DLS) recommends committee narrative requesting MDOD develop a policy requiring notification and review by MDOD of projects that an agency no longer intends to complete with Access Maryland funding. DLS also recommends MDOD notify the budget committees of projects that will be cancelled.**

Recommended Actions

Adopt committee narrative:

Notification and Review of Cancelled Projects: The Maryland Department of Disabilities (MDOD) indicates that it does not currently have a policy to require that it be notified when an agency has decided to no longer move forward with a project previously approved for funding through the MDOD Accessibility Modifications Program. Absent such a policy, MDOD is unable to assess and ensure that the project will either be completed by the agency independent of the Accessibility Modifications Program or is no longer needed and should be cancelled. The committees are concerned that projects that are needed to ensure compliance with the Americans with Disabilities Act could be cancelled by an agency. The committees request MDOD to develop a policy to require notification and review of projects prior to cancellation. The committees also request notification of cancelled projects.

Information Request	Author	Due Date
Notification of cancelled projects	MDOD	As needed within two weeks of MDOD's completed review

Fiscal 2011 Proposed Projects

<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Prior Authorization</u>	<u>FY 2011 Amount</u>	<u>Future Request</u>	<u>Total State Share (%)</u>
Anne Arundel	DGS	45 Calvert Street	Automatic Door Openers	\$18,000	\$0	\$18,000	\$0	100.0%
Baltimore City	CSU	Tawes Building	Total Facility Modifications	640,000	0	640,000	0	100.0%
Baltimore City	Military Department	Cade Armory	Accessibility for Public Use Areas	72,600	0	72,600	0	100.0%
Baltimore	UMBC	Campuswide Pedestrian Paths	Signage	334,000	219,000	115,000	0	100.0%
Prince George's	UMCP	Marie Mount Hall	Restroom Modifications	83,300	0	83,300	0	100.0%
Statewide			Cash Flow Adjustment and Available Funds Adjustment	-272,283		-272,283		
Carryover Projects								
Baltimore City	UMB	Medical School Teaching Facility	Door Modifications and Accessible Drinking Fountains	118,000	0	118,000	0	100.0%
Baltimore	DHMH/MHA	Spring Grove Hospital Center	Dix Building – Vertical Access	575,000	75,000	500,000	0	100.0%
Caroline	DNR	Martinak State Park	Accessible Cabin, Bathhouse and Fishing Facilities	570,736	260,736	51,900	258,100	100.0%
Queen Anne's	DNR	Tuckahoe State Park	Accessible Day Use and Camping Facilities	273,483	0	273,483	0	100.0%
Total				\$2,412,836	\$554,736	\$1,600,000	\$258,100	

CSU: Coppin State University

DGS: Department of General Services

DHMH: Department of Health and Mental Hygiene

DNR: Department of Natural Resources

MHA: Mental Hygiene Administration

UMB: University of Maryland, Baltimore

UMBC: University of Maryland Baltimore County

UMCP: University of Maryland, College Park

Fiscal 2010 Project Status

<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Status</u>
Anne Arundel	DGS/BPW	Glen Burnie DC/MSC	Signage	\$5,000	Scope of work is in development
Baltimore City	CSU	Parlett Moore Library	Elevators and Drinking Fountain	349,000	In procurement process for construction
Baltimore	DGS/BPW	Arbutus/Catonsville DC/MSC	Signage	5,000	Scope of work is in development
Baltimore	DGS/BPW	Borgerding DC/MSC	Signage	5,000	Scope of work is in development
Baltimore	DHMH/MHA	Spring Grove Hospital Center	Dix Building –Various Accessibility and Vertical Access	487,000	In design
Baltimore	DHMH/MHA	Spring Grove Hospital Center	Pathway Modifications	60,000	In design procurement process
Baltimore	UMBC	Albin O. Kuhn Library/ Gallery/Erickson Hall	Pathway Modifications	86,000	In design
Baltimore	UMBC	Campuswide Pedestrian Paths	ADA Compliant Signage	119,000	In design, anticipate construction will begin May 2010
Caroline	DGS/BPW	Denton DC/MSC	Door Modifications	9,000	Scope of work is in development
Caroline	DNR	Martinak State Park	Accessible Trails and Parking	310,000	In design
Harford	DGS/BPW	Bel Air DC/MSC	Signage	5,000	Scope of work is in development
Howard	DGS/BPW	Ellicott City DC/MSC	Entrance, Door, and Sign Modifications	75,000	Scope of work is in development
Prince George's	UMCP	Art-Sociology Building	Wheelchair Lift	65,000	Design expected to begin in fiscal 2010
Prince George's	UMCP	Marie Mount Hall	Restroom Modifications	77,000	Gave up funds to cover a fiscal 2008 project
Prince George's	UMCP	Physics Building	Accessible Seating	45,000	In construction, anticipate completion March 2010
Prince George's	UMCP	School of Public Health Building	Entrance Modifications	25,000	Gave up funds to cover a fiscal 2008 project

<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Status</u>
Prince George's	UMCP	Skinner Hall	Restroom Modifications	14,000	In construction, anticipate completion February 2010
Somerset	UMES	Wilson Hall Entrance	Ramp and Door Modifications	240,000	No action
St. Mary's	Historic St. Mary's City	Historic St. Mary's City	Pathway Modifications	16,000	In construction
Washington	DHMH/MHA	Western Maryland Hospital Center	Countertop Modifications	3,000	Waiting for approval to begin construction

BPW: Board of Public Works
 CSU: Coppin State University
 DC: District Court
 DGS: Department of General Services
 DHMH: Department of Health and Mental Hygiene
 DNR: Department of Natural Resources

MHA: Mental Hygiene Administration
 MSC: Multi-service Center
 UMBC: University of Maryland Baltimore County
 UMCP: University of Maryland, College Park
 UMES: University of Maryland Eastern Shore

Note: Estimated cost represents the estimated cost at the time of inclusion in the program.

Fiscal 2009 Project Status

<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Status</u>
Baltimore City	DGS	Schaefer Tower	Entrance Modifications Including Entrance to Various Offices	\$69,100	Completed December 2009
Baltimore City	DGS/MSDE	MSDE Headquarters	Entrance Modifications	5,500	In design
Baltimore City	MSU	Various Buildings	Entrance Modifications	76,986	Completed January 2010
Baltimore City	UMB	Medical School Teaching Facility	Various Accessibility Modifications	118,000	In design, anticipate construction will begin April 2010
Baltimore City	UMB	School of Social Work	Various Accessibility Modifications	53,000	In construction, anticipate completion March 2010
Baltimore	TU	Burdick Hall	Vertical Access	65,500	Completed July 2009
Baltimore	UMBC	Campuswide	ADA – Compliant Signage	100,000	In design, anticipate construction will begin May 2010
Baltimore	UMBC	Various Buildings	Elevator Modifications	96,000	In design
Carroll	DHMH	Springfield Hospital Center Central Kitchen	Entrance, Pathway, and Parking Modifications	47,000	In procurement process for construction
Queen Anne's	DNR	Tuckahoe State Park	Accessibility to Various Campsite And Park Areas, and Offices	273,483	In design, anticipate design completion in March 2010
Prince George's	UMCP	Main Administration Building	Vertical Access – Elevator (Part of Work Will Be Completed with University Funds)	525,000	Completed October 2009
Somerset	DPSCS	ECI – Medium Security Level	Various Accessibility Projects in Visiting Spaces	152,000	In construction

DGS: Department of General Services

DHMH: Department of Health and Mental Hygiene

DNR: Department of Natural Resources

DPSCS: Department of Public Safety and Correctional Services

ECI: Eastern Correctional Institution

MSDE: Maryland State Department of Education

MSU: Morgan State University

UMB: University of Maryland, Baltimore

TU: Towson University

UMBC: University of Maryland Baltimore County

UMCP: University of Maryland, College Park

Note: Status update does not include projects completed or cancelled prior to fiscal 2010. Estimated cost represents the estimated cost at the time of inclusion in the program.

Fiscal 2006-2008 Active Project Status

<u>Subdivision</u>	<u>Agency</u>	<u>Project</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Status</u>
Baltimore City	MSU	Washington Service Center	Vertical Access	\$535,000	In construction procurement process
Baltimore City	MSU	Campuswide	Fire Alarm Modifications	196,000	Completed January 2010
Baltimore City	UMB	Administration	Restroom Modifications	26,000	Completed July 2009
Baltimore City	UMB	School of Social Work	Fire Alarm Modifications	127,000	Completed October 2009
Prince George's	UMCP	Architecture Building	Elevator Modifications	165,000	In construction, anticipate construction will be complete August 2010
Prince George's	UMCP	Art-Sociology Building	Restroom and Water Fountain Modifications	292,000	In construction, anticipate construction will be complete March 2010
Somerset	UMES	Bird Hall	Elevator Installation, Doors, Ramp	350,000	Completed October 2009
Somerset	UMES	Kiah Hall	Various Accessibility Projects	95,000	Anticipate construction completion April 2010
Washington	DHMH	Western Maryland Center – Chronic Care	Accessible Patio Modifications	125,000	Completed December 2009

MSU: Morgan State University
 UMB: University of Maryland, Baltimore
 DHMH: Department of Health and Mental Hygiene
 UMCP: University of Maryland, College Park
 UMES: University of Maryland, Eastern Shore

Note: Status update does not include projects completed or cancelled prior to fiscal 2010. Estimated cost represents the estimated cost at the time of inclusion in the program.