



New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Safety of Infrastructure

Office of Parks, Recreation and Historic Preservation



Report 2012-S-29

September 2012

Executive Summary

Purpose

To determine if the Office of Parks, Recreation and Historic Preservation (Parks) is maintaining its infrastructure to preserve park safety by properly inspecting and repairing any hazardous conditions identified. The audit period covered January 1, 2010 through May 18, 2012.

Background

Parks operates 213 parks and historic sites in 11 regions around the State, encompassing nearly 350,000 acres. During 2011, about 57 million people visited these facilities and had access to a variety of recreational, cultural, historical and educational programs. Parks reports it has a backlog of rehabilitation projects valued at \$1.1 billion that are needed, in part, to address health and safety needs. For 2012-13, Parks was appropriated about \$89 million in additional funding to address capital rehabilitation projects. The agency leveraged this amount with an additional \$54 million of targeted State, federal and private funding.

Key Findings

- Between April 12 and May 9, 2012, we visited 33 State parks and historic sites from Long Island to Niagara Falls, many of which were not yet fully open to the public. Overall, we found staff actively involved in inspecting facilities and repairing any hazardous conditions. Still, our visits confirmed that many infrastructure issues exist throughout the park system. In some cases, staff have been able to make repairs, but in others have either opted to cordon off certain areas to prevent public access, or in the most extreme cases, to close individual amenities or even sections of the parks to ensure public safety.
- It is clear that the more time passes before these issues are addressed, the higher the cost will likely be. Further, where potentially hazardous infrastructure issues are likely to remain unaddressed for a long time, alternatives need to be considered to effect more permanent solutions.

Key Recommendations

- Continue efforts to prioritize the parks' infrastructure needs and to make necessary repairs or replacements to facilities based on available funding.
- Establish principles to guide the selection of alternative solutions in cases where potentially dangerous infrastructure problems are likely to remain unaddressed for an extended period of time.

Other Related Audits/Reports of Interest

[New York City Department of Parks and Recreation: Correcting Hazardous Conditions Identified by the Parks Inspection Program \(2008-N-18\)](#)

**State of New York
Office of the State Comptroller**

Division of State Government Accountability

September 6, 2012

Ms. Rose Harvey
Commissioner
NYS Office of Parks, Recreation and
Historic Preservation
625 Broadway
Albany, New York 12207

Dear Ms. Harvey:

The Office of the State Comptroller is committed to helping State agencies, public authorities and local government agencies manage government resources efficiently and effectively and, by so doing, providing accountability for tax dollars spent to support government funded services and operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit of *Safety of Infrastructure*. This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this draft report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller
Division of State Government Accountability*

Table of Contents

Background	4
Audit Findings and Recommendations	5
Recommendations	7
Audit Scope and Methodology	7
Authority	8
Reporting Requirements	8
Contributors to This Report	9
Appendix	10
Agency Comments	11
State Comptroller's Comment	15

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This report is also available on our website at: www.osc.state.ny.us

Background

The Office of Parks, Recreation and Historic Preservation (Parks) operates 178 parks and 35 historic sites, encompassing nearly 350,000 acres, which host a variety of recreational, cultural, historical and educational programs. Parks is headquartered in Albany, but operates largely through a network of 11 regional offices. During 2011, attendance at New York State parks and historic sites totaled about 57 million visitors. The Long Island region recorded the highest attendance with more than 18 million visitors and the Niagara Falls State Park was the highest attended individual park with nearly 8.5 million visitors.

For both 2010 and 2011, annual reports published by Parks describe budget cuts that have significantly impacted operations. Parks' operating budget for the 2011-12 fiscal year was \$183 million, which represents about a 5 percent decrease from the previous year. The reports also point to a backlog of park rehabilitation projects valued at \$1.1 billion. Many of these projects are reportedly necessary to address health and safety needs. To manage these concerns, each region employs a Regional Safety Manager (RSM) who is responsible for overseeing the safety of both patrons and staff.

Parks primarily operates as a decentralized agency with management in Albany, generally providing guidance rather than specific requirements for regions to follow. The Director of Health and Safety (Director) oversees and provides guidance for all safety related issues throughout the State parks system. Examples of guidance range from developing suggested inspection procedures to facilitating meetings between the RSMs, which occur sporadically throughout the year. Inspection forms vary from region to region and are typically not sent to headquarters. The Director stated RSMs are responsible for ensuring inspections are done in their regions and determining a corrective course of action if any issues are identified. Incident Reports, documenting patron accidents in parks and historic sites, are a standard format and kept on file at the park, regional level and headquarters. Headquarters receives, reviews and tracks the patron incident reports received from each region's RSM.

For 2012-13, Parks was appropriated \$89 million in new capital funding, which agency officials leveraged into an additional \$54 million in State, federal, and private funds. As a result, a total of \$143 million was available to fund various capital rehabilitation projects across the State.

Audit Findings and Recommendations

Our site visits confirmed that there are many infrastructure issues that need to be addressed at parks and historic sites throughout the State. At the same time, we found Parks staff are utilizing available resources to address infrastructure issues that pose potential safety hazards to the visiting public. In some cases, staff has been able to effect repairs; in others, officials have opted to cordon off certain areas to prevent public access, or in the most extreme cases, to close individual amenities or even sections of the parks. As a result, New Yorkers may find fewer facilities accessible for their use. However, officials at the 33 locations we visited appear to have taken reasonable measures to mitigate infrastructure problems and preserve the safety of the patrons.

Annually, each region submits a prioritized list of projects it wants to complete. Headquarters management is responsible for finalizing the capital projects list and determining which projects actually get funded. Parks management generally does not alter the specific priority rankings established within each region, but instead distributes available funding among all the regions, generally based on attendance. About \$390 million (35 percent) of the \$1.1 billion of projects listed by Parks relate to roads, parking lots, bridges and walkways. According to the listing, almost every park and historic facility in the State has some need for infrastructure improvements.

Between April 12 and May 9, 2012, our staff visited a total of 29 State parks and 4 historic sites located at 5 of Parks' 11 regions of the State (Figure 1). See Appendix A for a list of the sites we visited.



While on site, our staff met with park and/or regional management, as well as other park employees, when they were available, to discuss park conditions and maintenance programs. At each location, we toured a variety of park facilities including playgrounds, buildings, trails, pools and beaches, in many cases on an unescorted surprise basis, but at other times with Parks staff who wanted to point out specific areas of need. Many of the parks we visited were not yet fully open to the public and were still in the process of preparing for the beginning of the summer recreation season.

We observed that Parks personnel seemed to take a proactive approach when addressing health and safety issues, with many minor repair projects underway at the time of our visits. For example, at Sunken Meadow State Park in the Long Island region, we observed roof repairs being done to ready a restroom facility for summer use. In some cases, we found small areas of the parks had been temporarily cordoned off to protect visitors while repairs were in process, such as in the vicinity of a rock wall construction that was underway at Watkins Glen State Park in the Finger Lakes region. In other cases, we observed temporary structures that have been put in place to serve patrons until more major repairs can be made. One example was a temporary pedestrian bridge that had been erected at the Niagara Falls State Park because the original structure has been deemed unsound.

At some locations, the measures that prevent access to potentially dangerous parts of the parks appear to have been in place for some time awaiting future repairs. Examples include an area of the paved Rim-Walking path at Devil's Hole State Park in the Niagara region, where a fence surrounding a collapsed area has been in place long enough for visitors to have worn a new dirt path around the perimeter. In other cases, entire amenities have been closed to the public while they await either major renovation or removal, including a cement pier at the Taughannock Falls State Park in the Finger Lakes region that Parks officials declared unsafe because the underlying structure is broken and sinking into the water.

Infrastructure issues involving roads, walkways and parking lots are clearly the most visible issues that New Yorkers will encounter when they visit the State's parks and historic sites. The potential exists for timely repairs to stop further damage in some situations, such as with a partially collapsed stone wall that we observed in a parking lot at Nyack Beach State Park in the Palisades region. However, at Heckscher State Park on Long Island, we saw a section of the parking lot that was largely covered with overgrowth and standing water, which will require a much more significant investment to repair and rebuild.

In some cases, it is apparent that infrastructure projects have been awaiting repair for some time. As a result, some temporary security barriers have been in place so long that they too are beginning to deteriorate to the point of potential hazard. One example is the site of an old swimming pool at the John Boyd Thacher State Park in the Saratoga/Capital District region where gaps are beginning to appear in the chain link fencing surrounding the abandoned structure. The pool was closed in 2007 and sits in relatively close proximity to the park's Horseshoe Playground, which is often used by children.

Overall, the State parks and historic sites we visited were well maintained and their facilities

provided a reasonably safe and clean atmosphere for patrons to enjoy. The regional and park staff we spoke with appeared to take pride in the condition of their facilities and often described how they have been working hard to ensure the facilities are in a safe condition, while offering as many amenities as possible in light of decreasing resources.

Still, it's clear that the infrastructure problems we observed will continue to pose fiscal and operational challenges for Parks and the State. While we did not evaluate the reasonableness of Parks' \$1.1 billion estimate for the cost to address all its listed projects, it is clear that the more time passes before these issues are addressed, the higher the cost will likely be. Further, where potentially hazardous infrastructure issues (e.g. the Thacher Park pool) are likely to remain unaddressed for a significant length of time, alternatives need to be considered to find more permanent solutions.

Recommendations

1. Continue efforts to prioritize the parks' infrastructure needs, and to make necessary repairs or replacements to facilities based on available funding.
2. Establish principles to guide the selection of alternative solutions in cases where potentially dangerous infrastructure problems are likely to remain unaddressed for an extended period of time.

Audit Scope and Methodology

The objective of our audit was to determine if Parks is maintaining its infrastructure to preserve park safety by properly inspecting and repairing any hazardous conditions identified. The audit period covered January 1, 2010 through May 18, 2012. To accomplish our objective we interviewed staff from Parks' Albany headquarters, regional offices and several individual parks and historic sites. We also reviewed safety rules, regulations and procedures; obtained and reviewed safety inspection documents from several regions; and observed conditions at selected parks and historic sites across the State.

To select the regions to visit, we analyzed attendance and capital project data, and then selected regions based on high levels of activity and geographic location across the entire State. Within the selected regions, we visited the park with the highest reported attendance, as well as another highly attended park, a park with lower attendance, and a historic site. We also visited additional parks in some regions if they were in close proximity to originally selected sites. In total, we visited 29 parks and 4 historic sites in 5 regions across the State.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained during our audit provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Authority

We did this audit according to the State Comptroller's authority defined in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

Reporting Requirements

A draft copy of this report was provided to Parks officials for their review and comment. Officials agreed with our recommendations and reported having already taken steps to implement them. A complete copy of their response is included at the end of this report.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Office of Parks, Recreation and Historic Preservation shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

Contributors to This Report

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Vision

A team of accountability experts respected for providing information that decision makers value.

Mission

To improve government operations by conducting independent audits, reviews and evaluations of New York State and New York City taxpayer financed programs.

Appendix

State Parks and Historic Sites Visited

<u>Region</u>	<u>State Park or Historic Site</u>
<i>Finger Lakes</i>	Ganondagon State Historic Site Lodi Point State Park Taughannock Falls State Park Watkins Glen State Park
<i>Long Island</i>	Belmont Lake State Park Captree State Park Caumsett State Historic Park Heckscher State Park Hempstead Lake State Park Jones Beach State Park Nissequogue River State Park Robert Moses State Park Sunken Meadow State Park Wildwood State Park
<i>Niagara</i>	De Veaux Woods State Park Devil's Hole State Park Fort Niagara State Park Four Mile Creek State Park Joseph Davis State Park Niagara Falls State Park Whirlpool State Park Wilson-Tuscarora State Park
<i>Palisades</i>	Bear Mountain State Park Harriman State Park High Tor State Park Minnewaska State Park Preserve Nyack Beach State Park Rockland Lake State Park Stony Point Battlefield State Historic Site
<i>Saratoga/Capital District</i>	John Boyd Thacher State Park John Brown Farm State Historic Site Moreau Lake State Park Saratoga Spa State Park

Agency Comments



New York State Office of Parks, Recreation and Historic Preservation

Albany, New York 12238
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August 20, 2012

Mr. John Buyce
Audit Director
State of New York Office the State Comptroller
110 State Street, 11th floor
Albany, New York 12236

Dear Mr. Buyce:

We have reviewed your Draft Audit Report 2012-S-29 entitled "*Safety of Infrastructure.*" A detailed response including comments is attached.

Thank you for the opportunity to respond to your findings. If you have any questions regarding the Agency's response, please contact Brian D. Jackson, Director Internal Audit, at (518) 473-3390.

Sincerely,

Mary Beth Labate
Deputy Commissioner for
Finance and Administration

Enclosure

cc: Andrew Beers
Chris Pushkarsh
Marc Talluto
John Orsini
Brian D. Jackson

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**New York State Office of Parks, Recreation & Historic Preservation
Response to the Office of the State Comptroller's Draft Audit Findings
Audit 2012-S-29 Safety of Infrastructure**

The Office of Parks, Recreation & Historic Preservation's (OPRHP) response to the Office of the State Comptroller's (OSC) draft audit report number 2012-S-29, entitled "*Park Safety*" is presented below. OPRHP has reviewed the findings and recommendations presented in the draft audit report. In the following sections, we have noted the portions of the report where we feel the need to clarify the described conditions, findings and recommendations.

OPRHP Comments

The draft audit report indicated that OPRHP had an operating budget of \$214.3 million for fiscal year 2011/12. In actuality, the \$214.3 million represents the appropriation; the actual operating budget for this period was only \$183 million which included \$109 million from the General Fund. The actual operating budgets for the fiscal years 2008/09 – 2012/13 are as follows:

Fiscal Year	Total Operating Budget	General Fund
2008-2009	\$198 million	\$130 million
2009 -2010	\$201 million	\$128 million
2010-2011	\$193 million	\$121 million
2011-2012	\$183 million	\$109 million
2012-2013	\$182 million	\$106 million

*
Comment

The \$143 million available for capital projects is a result Governor Cuomo's initiative to revitalize state parks and historic sites through the New York Works Fund. The 2012-13 budget provided \$89 million in new capital funding to OPRHP, which in turn was leveraged with an additional \$54 million in state, federal, and private funds – allowing State Parks to advance a total of \$143 million of capital rehabilitation projects. This is the single largest infusion of capital dollars in the history of New York State parks. Projects are being funded in every region of the state, making improvements in 48 state parks and historic sites that serve 37 million visitors annually. This investment in New York's parks system will enhance the visitor experience and enable our state parks to reemerge after years of decline.

Response to Recommendations (Page 7)

The following section presents OPRHP's response to the recommendation contained in the draft audit report.

- **Recommendation 1:** *Continue efforts to prioritize the park's infrastructure needs and to make necessary repairs or replacements to facilities based on available funding.*

* See State Comptroller's Comment, page 15.

**New York State Office of Parks, Recreation & Historic Preservation
Response to the Office of the State Comptroller's Draft Audit Findings
Audit 2012-S-29 Safety of Infrastructure**

Agency Response: Agree. OPRHP concurs with the recommendation.

OPRHP's Capital Programs office maintains a comprehensive list of capital projects that are needed throughout the State. The capital plan is prepared annually and is reviewed by Regional staff so that it can be updated as needed. During this process, a list of priority projects for the coming fiscal year is formulated and shared with Executive Staff. Criteria on which projects are measured include:

- Addressing Health & Safety and/or ADA Issues;
- Advancing projects that serve large numbers of visitors and improve flagship parks;
- Enhancing sustainability;
- Improving the visitor experience; and
- Completing projects that generate increased Agency revenues.

Two major constraints to the planning process include:

- The extensive backlog of facility rehabilitation needs, exceeding \$1 billion across the state parks system; and
- Significant year-to-year variations in the level of capital funding allocated to the agency.

- **Recommendation 2:** *Establish principles to guide the selection of alternative solutions in cases where potentially dangerous problems are likely to remain unaddressed for an extended period of time.*

Agency Response: Agree. OPRHP concurs with the recommendation and is currently in the process of formalizing procedural guidelines.

OPRHP staff performs risk assessments of each problem, determining the likelihood of the possible risk occurring and also the potential impact if it did. Solutions are implemented proportionate to the level of risk. High exposure/high risk issues would call for greater control measures whereas low exposure/risk issues may call for less control measures.

Responses could range from immediate repairs (pending resource availability) to permanently resolve the issue to engineered isolation or control measures (i.e. physical constructed barriers to isolate the hazard to administrative controls in an attempt to isolate the hazard or warn visitors of its presence.

Engineering controls may be implemented when the risk/exposure is such that physical barriers are required to isolate the hazard to a greater extent and

**New York State Office of Parks, Recreation & Historic Preservation
Response to the Office of the State Comptroller's Draft Audit Findings
Audit 2012-S-29 Safety of Infrastructure**

physically prevent exposure to the hazard. As such, fencing, walls or other physical barriers may be implemented to isolate the hazard and physically prevent exposure to the hazard by unauthorized personnel.

When the risk/exposure is limited, administrative controls may be implemented to identify the hazard and alert unauthorized individuals of its presence, but would not establish a true physical barrier to entry. In such instances, the use of signage or caution/warning tape, traffic cones etc. may be utilized to identify a hazard, but not necessarily provide physical isolation.

State Comptroller's Comment

We modified our report to clarify the amount of Parks' actual operating budget.