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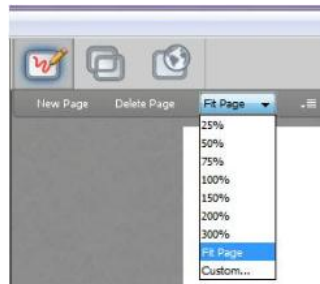
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Open Question and Answer Session

ABA Accessibility Standards for Outdoor Developed Areas

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Presenters



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General Counsel



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Accessibility
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"Advancing Full Access and Inclusion for All"

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Session Agenda

- Overview of ABA Accessibility Standards for Trails, Picnic and Camp facilities, Viewing Areas, and Beach Access Routes
- Advance questions
- Open Q & A

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What's covered

- Facilities constructed or altered by
 - Federal agencies
 - Non-federal entities constructing facilities on federal land on behalf of federal agencies pursuant to a concession contract, partnership agreement, or similar arrangement

What's not covered

- ADA – Title II entities - State and local governments, Title III entities, places of public accommodation
- ABA – facilities built or altered with Federal grants and loans (ABA)

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Options for those not covered

- **ADA** - where no standards exist...
 - general non-discrimination prohibition and program accessibility requirements for state and local governments apply (includes TRAILS, PICNIC AND CAMPING ELEMENTS, VIEWING AREAS)
- To determine appropriateness of using outdoor recreation access routes and beach access routes (in lieu of an accessible route) – **contact DOJ – 800 514-0301**

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Future plans

- Complete rulemaking under the ADA using the final ABA standards as the basis
- Complete technical assistance guide on final ABA standards
- Provide technical assistance and training on the provisions

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Effective Date - ABA

November 25, 2013

Newly constructed or altered
trails, picnic & camping facilities,
viewing areas, and beach access
routes

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Trails

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Trails

- Pedestrian route developed primarily for outdoor recreational purposes
- Newly constructed/alterd trail directly connected to a trailhead or another trail that substantially complies with guidelines
- Conditional exceptions permitted – new and altered
- Shared use paths addressed in separate rulemaking for public rights of way

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Trail Technical Requirements

Maximum Running Slope	1:20 (5%) – 1:12 (8.33%) 1:12 (8.33%) - 1:10 (10%) 1:10 (10%) – 1:8 (12%) Resting intervals required
Cross Slope	Concrete, Asphalt, and Boards – 2% Other surfaces – 5% for drainage
Minimum Width	36 inches
Tread Obstacles	2 inches Maximum
Surface	Firm and Stable
Openings	½ Maximum
Protruding Objects	27-80 inch height = 4 inch max

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Trailheads

- Outdoor space developed to serve as an access point to a trail
 - Not a junction of two or more trails where no other access point is provided
- 20% of each type of outdoor constructed feature provided within trailhead to be accessible
- Trailhead signage



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Conditional exceptions

- Apply on a provision-by-provision basis
- Where full compliance with a technical provision is not possible because of the limitations and constraints included in the conditional exceptions...
- “extent practicable”

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Conditional exceptions

- Compliance is not practicable due to terrain
- Compliance cannot be accomplished with the prevailing construction practices
- Compliance would fundamentally alter the function or purpose of the facility or the setting
- Compliance is precluded by the:
 - Endangered Species Act, National Environmental Policy Act, National Historic Preservation Act, Wilderness Act; or Other Federal, State, or local laws

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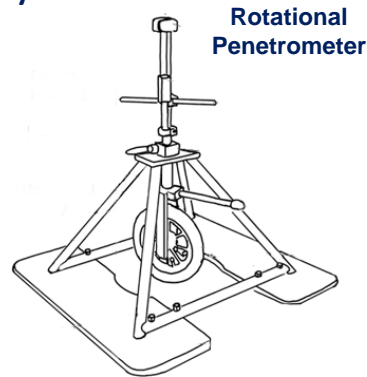
Permissible Uses of Conditions for Exceptions

Exception Permitted for:	Application
Outdoor Constructed Features - clear ground space	Alterations Only
Tent Pads/Tent Platforms - any provision	New Construction or Alterations
Camp Shelters any provision	New Construction or Alterations
Outdoor Recreation Access Routes at Camping facilities, Picnic facilities, and Trailheads - any provision	Alterations Only
Viewing Areas - any provision	Alterations Only
Outdoor Recreation Access Routes to Viewing Areas -- any provision	New Construction or Alterations
Trails - any provision	New Construction or Alterations
Beach Access routes - any provision	New Construction or Alterations

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Surface Material (Trails & ORAR's)

- Surface – firm and stable
- Multi-year research study completed



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Public Rights of Way Rulemaking

- Includes provisions for Shared Use Paths
- Final rule expected this calendar year
- Differences between trails and shared use paths -
 - Trail – *“a pedestrian route developed primarily for outdoor recreational purposes”*
 - Shared Use Path – *“a multi-use path designed primarily for use by bicyclists and pedestrians, including pedestrians with disabilities, for transportation and recreation purposes. Shared use paths are physically separated from motor vehicle traffic by an open space or barrier, and are either within the highway right-of-way or within an independent right-of-way.”*
- Use of gravel on SUP

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Easements on private land

- Right to enter or use property owned by another party
- Law – may vary by jurisdiction
- Improvements – whether public entity has right to make improvements on private property

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Outdoor Constructed Features

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Outdoor constructed features



- Picnic tables
- Fire rings
- Grills
- Fireplaces and woodstoves
- Trash and recycling containers
- Water hydrants
- Utility and sewage hookups
- Outdoor rinsing showers
- Benches
- Viewing Scopes

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BBQ grills with sinks

- Sinks not required to be accessible – unless cooktop & range provided
- Grill mounting height



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Picnic Facilities

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Picnic facilities

Developed for outdoor recreational purposes that contains picnic units.



Picnic unit

Outdoor space in a picnic facility that contains outdoor constructed features



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Picnic facilities

- At least 20% of picnic units in picnic facility where two or more picnic units are provided
- Two or fewer = each accessible



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Picnic facilities

- 20% of outdoor constructed features in public and common use areas serving accessible picnic units
- Dispersion of accessible picnic units required
- ORAR connection



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Camping Facilities

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Camping facilities

- Camping facility – developed for outdoor recreational purposes that contains camping units.



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Camping facilities

- Camping unit – outdoor space in a camping facility that contains outdoor constructed features, RV parking spaces, tent pads or tent platforms, or camp shelters.



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Camping facilities

Total Number of Camping Units Provided in Camping Facility	Minimum Number of Accessible Camping Units Required
1	1
2 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
101 to 150	7
151 to 200	8
201 and over	8, plus 2 percent of the number over 200

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Camping facilities

- Applies to each type of camping unit provided.
- Dispersion of accessible camping units required



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Cabins & Yurts



- ABA Accessibility standards for transient lodging apply (ABAAS 204 & 806)
- ALL guest rooms entrance doors must be 32" clear
- Exceptions (in final rule for ODA) do not apply to transient lodging
- "Waiver and modification" under the ABA

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Recreational Vehicle (RV) Parks

- Only required if covered by the ABA
- Use as “guidance” under ADA (caution with use of “orar’s” as opposed to accessible routes)



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Outdoor Recreation Access Routes

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Outdoor recreation access route (ORAR)

- Modified accessible route
- Connects outdoor constructed features within picnic facilities/units, camping facilities/units, designated trailheads or viewing areas



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Outdoor recreation access routes

Connecting recreation facilities



Connecting common use and public use areas in picnic, camping, and viewing areas



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Outdoor recreation access routes

- Where ORAR are provided within vehicular ways – exception for passing spaces, slope, and resting intervals



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ORAR Technical Requirements

Maximum Running Slope	1:10 (10%)
Cross Slope	Concrete, Asphalt, and Boards – 2% Other surfaces – 5% for drainage
Minimum Width	36 inches
Tread Obstacles	1/2 inch Maximum
Surface	Firm and Stable
Openings	½ Maximum
Protruding Objects	27-80 inch height = 4 inch max

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Beach Access Routes

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Beach access routes

Where required –

The construction or alteration of any of the following facilities to serve the beach:

1. Circulation paths;
2. Parking facilities;
3. Toilet facilities; or
4. Bathing facilities

Exception limits the cost of the beach access route to no more than 20 percent of the cost of constructing or altering the facilities

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F248.1.2 - Beach Nourishment

- Beach access routes required where the entity that administers or manages a beach undertakes a beach nourishment project.
- EXCEPTION: Not required to expend more than 20 percent of the costs of a beach nourishment project



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Beach access routes



- Permanent or removable
- Minimum number – at least one for each ½ mile of shoreline managed by the entity
 - Not required to exceed the number of pedestrian access points to a beach provided by the entity
- Conditional exceptions permitted – new and altered

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Beach Access Routes

- ABA coverage only
- Existing facilities = “program accessibility” under Section 504
- Dune crossings



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Beach Nourishment Projects

- Army Corps of Engineers funded beach nourishment project on state and local lands - not covered at this time.
- Must be a Federal agency or a non-federal entity administering or managing a beach on federal land.
- May be used in guidance in providing accessibility to a beach



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Other

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Application Questions

Published in the *Federal Register* September 26, 2013.

36 CFR Part 1191

RIN 3014-AA22

Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final Rule.

SUMMARY: We, the Architectural and Transportation Barriers Compliance Board (Access Board), are issuing a final rule that amends the Architectural Barriers Act Accessibility Guidelines by adding scoping and technical requirements for camping facilities, picnic facilities, viewing areas, trails, and beach access routes constructed or altered by or on behalf of federal agencies. The final rule ensures that these facilities are readily accessible to and usable by individuals with disabilities. **The final rule applies to the following federal agencies and their components that administer outdoor areas developed for recreational purposes:** Department of Agriculture (Forest Service); Department of Defense (Army Corps of Engineers); and Department of the Interior (Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, National Park Service). The final rule also applies to non-federal entities that construct or alter recreation facilities on federal land on behalf of the federal agencies pursuant to a concession contract, partnership agreement, or similar arrangement.

DATES: The final rule is effective November 25, 2013. The incorporation of certain publications listed in the guidelines is approved by the Director of the Federal Register as of September 21, 2004.



2013 Update

Forest Service Trail Accessibility Guidelines (FSTAG)



2013 Update

Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG)

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Application Questions

- Would any of the following be considered Outdoor Developed Areas; Community Garden, Botanical Garden; Arboretum, Zoo, Ancient/Historical points of interest/features), Columbarium (Open air setting) or a Cemetery?
- If the above are not Outdoor Developed Areas, would accessible routes be required to connect to and through these areas?

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Accessible Routes vs Outdoor Recreation Access Routes vs Trails

Exterior Accessible Routes	Outdoor Recreation Accessible Route	Trail
F206.1 & F206.2 Site Arrival Points and Within a Site	F244.5, F245.4, F246.3, F247.3.2	F247
Connects accessible buildings, facilities, elements, and spaces on a site	Connects outdoor constructed features and spaces within camping facilities, picnic facilities, viewing areas, and trailheads ONLY	Pedestrian route developed primarily for outdoor recreational purposes Does not connect elements and spaces on a site May include a "trailhead"

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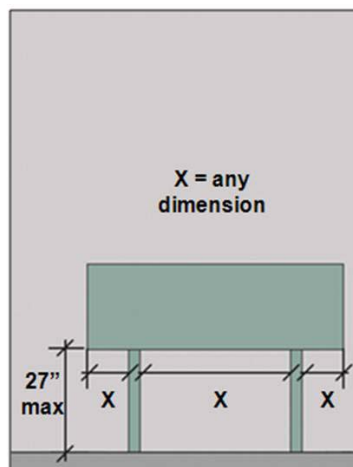
“Put in” & “Take out” locations

- Constructed features
- “Program accessibility”
- “Waiver or modification” process under the ABA
- Contact DOJ for guidance under the ADA (800 514-0301)



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Knee clearance vs. cane detection



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Questions?

You may type and submit questions in the
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**Thank you for participating
in today's webinar**



Next session:

June 5th, 2014

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