

"UNDERSTANDING THE DRAFT FINAL ACCESSIBILITY GUIDELINES FOR OUTDOOR
DEVELOPED AREAS"

Responses to Questions Asked During the December 3, 2009 Webinar

1. Will this presentation be available to us?

Yes. An archive of the webinar is located at <http://www.accessibilityonline.org>. A file containing the questions posed during the webinar is also included.

2. Is there a distinction between new and existing trails or ORARs?

Yes. The technical provisions are to be applied during the construction or alteration of trails. Separate technical provisions apply to outdoor recreation access routes and are also to be applied in new construction or alterations.

3. Do Girl Scout campsites not apply?

The current rulemaking applies to facilities covered by the Architectural Barriers Act (ABA). Future rulemaking will address camping facilities covered by the Americans with Disabilities Act (ADA) including State and local governments and places of public accommodation. In the interim, these guidelines may be used as a "best practice" or as a resource for providing accessibility.

4. Because smart levels are used to check constructed slopes, and these are calibrated in percentage would it be better to have maximum allowable cross slopes of 3% with exception of 2% for concrete, asphalt or board surfaces?

Smart levels typically have a setting to convert percentages into ratios when evaluating the slope of a surface.

5. Did we hear correctly that we are no longer required to have one arm rest on benches?

The proposed rule included a requirement for a portion of those benches required to be accessible to include an arm rest. This provision was not retained in the draft

final guidelines. Technical assistance material provided by the Board will discuss other design considerations when providing accessible benches.

6. Can you explain how the Board came to eliminate the armrests on benches?

The Board's guidelines establish a "minimum" for accessibility. Facility operators and designers always have the opportunity to incorporate additional features on any element to provide for additional access.

7. What is the distinction between a trail and an ORAR?

Outdoor recreation access routes (ORAR's) connect outdoor constructed features, elements, spaces and facilities within camping facilities, picnic facilities, viewing areas, and trailheads. Outdoor recreation access routes are only permitted for use in these facilities. Trails are defined as a pedestrian route developed primarily for outdoor recreational purposes. A pedestrian route developed primarily to connect elements, spaces, or facilities within a site is not a trail.

8. Can you discuss application to historic landscapes?

Any potential conflicts in applying these accessibility guidelines on a Federal historical site are addressed by the condition for exception number 4. This condition for exception addresses situations where compliance is precluded by the National Historic Preservation Act. If the entity cannot fully comply with one or all of the technical provisions, because of a conditional exception, the technical requirement(s) must be applied to the maximum extent feasible.

9. Tent platforms 19 maximum from surface level if wheelstops are provided is this exempt?

No. If a tent platform is provided and is designed for transfer, wheel stops are not recommended as they may interfere when moving from a mobility device to the platform floor surface. Where ramp access is provided to a tent platform, wheel stops may be provided but are not required.

10. Just wondering if the guidelines will be user friendly with diagrams for easy use by designers and facility managers?

The Board intends to publish a technical assistance document to present the guidelines in a user friendly format with a discussion of best practices. This document will be developed in cooperation with our Federal partners representing the land management agencies.

11. Can you explain how the recommendation to increase cross slope to 1:33 came about?

The draft final guidelines retained this provision from the proposed rule and from the recommendation included in the final report developed by the Regulatory Negotiation Committee. An additional requirement to maintain a maximum 1:48 cross slope when using concrete, asphalt, and boards was added in the draft final guidelines.

12. Are resting spaces required on outdoor recreation access routes that are over 1:20, or 1:20 and over?

Yes. When the running slope of a segment is steeper than 1:20, the maximum length of the segment is 50 feet. A resting interval, either within the tread or adjacent to the tread, must be provided at each end of the segment. If the running slope is steeper than 1:12 the maximum length of the ORAR segment is 30 feet. A running slope greater than 1:10 is not permitted on an ORAR.

13. Did you speak about fishing piers?

No. The accessibility guidelines for fishing piers and platforms are not included in this rule. They are addressed in Chapter 10 (1005 Fishing piers and platforms) of the ADA/ABA Accessibility Guidelines.

14. We administer 9 national historic trails and have conditions where we are developing replacement opportunities on original routes of extant historic trails. Often these historic segments are in their original state. Would changes to the historic original state in general be an exception for compliance?

Generally speaking, conditional exception 4 applies to situations with compliance is precluded by the National Historic Preservation Act.

15. For ORARs is there a percentage of the total trail length that cannot exceed 8.33%? Is this the same as trail classification of no more than 30% of total trail?

The technical provisions for outdoor recreation access routes (ORARs) do not include a requirement that a portion of the ORAR not exceed a certain slope. The guidelines do permit the conditional exceptions to apply when altering an ORAR.

16. How is firm-stable to be evaluated?

A stable surface is defined as a surface that remains unchanged by applied force so that when the force is removed, the surface returns to its original condition. A firm surface resists deformation by indentations. The Board is working to provide additional guidance on available methods for evaluating the firmness and stability of surfaces.

17. Is there any application to dog parks?

Dog parks have not been addressed by the draft final guidelines. For additional questions on accessibility for dog parks contact the Board's technical assistance hotline at 800 872-2253.

18. Can you clarify the term usable side of tent pads/platforms?

Generally, all sides of tent pads and tent platforms are usable. There may be a rare situation when a tent pad or platform is constructed in a space with natural features such as rock formations or trees where a side may not be usable.

19. Will the answers to the questions be available with the transcript?

Yes. Additionally, Board staff is available to respond to any additional questions. Contact information is provided at the end of this document.

20. Why was crushed stone not specifically addressed similar to asphalt/concrete/board?

A variety of ground surfaces can be used to provide accessible spaces and facilities in the outdoor environment. The draft final accessibility guidelines distinguish between certain ground surfaces in terms of maximum slopes and obstacle heights. The 1:48 maximum slope and ½ inch obstacle height specified for concrete, asphalt, or board surfaces are based on the technical provisions for changes in level currently in the ADA and ABA Accessibility Guidelines.

21. Is there a trail difficulty classification, accessible but easy, medium difficulty and difficult that should be included in signage?

No. The Board, along with our Federal land management partners support providing more specific information about the characteristics of the trail rather than using a symbol or classification system.

22. What is the timeline for enacting the new guidelines as the ADA/ABA are still mostly not enforceable.

The draft final guidelines apply under only the ABA in this rulemaking. We will work with the General Services Administration and the Department of Defense to make these enforceable as soon as possible after the final rule is issued.

23. Can you expand what maximum extent feasible means?

An exception in the draft final guidelines permits a portion of a trail to depart from the technical provisions where the conditions listed in the guidelines exist. The exception can be applied to any of the technical provisions. The condition that triggered the exception and the departure is to be documented in the trail project file. The exception requires the portion of the trail to comply with the technical provision to the "maximum extent feasible." This term is intended to permit the portion of the trail to depart from a technical provision to the extent that the conditions prevent full compliance. Alternative dimensions are not specified for each technical provision because it may not be possible to achieve the alternative dimensions based on the conditions. For example, if a condition prevents a trail from complying with the 36 inch minimum clear tread width and a lesser dimension can be achieved then the exception permits departure up to that dimension.

24. How are you going to enable responsible personnel to determine when making a trail accessible will not conform to standard building practices.

The Board has initiated the development of a technical assistance document that will accompany final guidelines to address this concern.

25. How did the Board arrive at 32 minimum for gates and bollards at recreation trails? Our experience is that most adaptive handcycles, trikes, cross country exceed that dimension.

Minimum dimensions used in the ADA and ABA Accessibility Guidelines for doors, doorways and gates were applied to trail gate barriers. Additionally, the Board is interested in balancing the need for accessibility along with concerns about restricting access to motorized vehicles.

26. Can you explain the distinction between 20% viewing areas being accessible but all unique features must be accessible?

Scoping provisions for viewing areas require at least 20 percent of each type of outdoor constructed feature provided within a viewing area to be accessible. Additionally, the scoping provisions require each distinct viewing location within a viewing area to comply with the technical provisions, including clear ground space, turning space, and unobstructed view. These are two separate concepts and need to be applied separately.

27. Was the 6 drop-off along beach routes eliminated?

Yes.

28. You mentioned that when signs are required they provide specific information. Are signs required?

No. The signage provision is only triggered when an entity decides to provide a sign at a trailhead of a newly constructed or altered trail.

29. Can you give us the web address where we can access a copy or transcript of this presentation?

<http://www.accessibilityonline.org>

30. Chapter T4 seems to be redundant to the ADA-ABA document, why not just make reference to that document rather than having Chapter T4?

Chapters T1 – T4 were designations used in the NPRM when the guidelines were presented as a standalone document. The draft final guidelines use provision numbers in the ADA and ABA Accessibility Guidelines.

31. Can you explain further what will define changing the intent of or purpose of the trail?

Changing the overall grade, width, or surface of an existing trail, or rerouting an existing trail are examples of alterations that are required to comply with 1017. Routine or periodic maintenance activities that are performed to return an existing trail to the condition to which the trail was originally designed are not required to comply with 1017.

32. The term pedestrian seems specific to public rights of way. Have you considered using the term hiker-pedestrian?

The term “pedestrian” is used to define those trails that are addressed by the trail guidelines. For example, these guidelines do not apply to an equestrian trail or a mountain bike trail unless they are also designed for pedestrians.

33. Would these guidelines be applicable to safety rest areas along a highway?

Safety rest areas are not addressed by these guidelines. They are already covered by the ADA and ABA Accessibility Guidelines.

34. What do you anticipate the timeline being for application to state and local governments, or application to Federal grants to states and local governments?

At this time, we do not have a date. Any upcoming activities will be announced on our website - www.access-board.gov .

35. I want to check my understanding - this is intended to apply to Federally funded facilities first but will eventually apply to all outdoor facilities (such as private campgrounds)?

Yes. The final accessibility guidelines will apply to facilities constructed or altered by or on behalf of Federal agencies at first. The Access Board plans to conduct additional rulemaking on outdoor developed areas for facilities constructed or altered with Federal grants or loans and for public and private entities covered by the Americans with Disabilities Act. The Access Board also plans to address shared-use paths in these future rulemakings.

36. How does one get involved in the development of the shared use path guidance?

Information will be posted on our website highlighting any public meetings or you can contact Board staff using the contact information listed at the end of these questions.

37. Will the 2004 ADA/ABA guidelines that are at the DOJ currently for approval be null and a new one with this information in it be re-submitted for their approval?

The draft final guidelines for outdoor developed areas currently available for public review will not apply to facilities covered by Titles II or III of the ADA.

38. Are the International Code Council people included on the Access Board and will building codes eventually conform to these guidelines?

Code organizations are not members of the Board, but the Board works closely with all associated code organizations to harmonize the guidelines with existing and future model building codes.

39. In your technical assistance or follow up material, will you be providing rationale on some of the changed specs (e.g., the increased allowable cross slope and elimination of the bench arm rest requirement)?

Changes between the final accessibility guidelines for outdoor developed areas and the notice for proposed rulemaking (NPRM), issued in June of 2007, will be discussed in the preamble of the final guidelines. The technical assistance

document will permit the Board to discuss possible design considerations when providing outdoor constructed features that are intended to be used by persons with disabilities.

40. Companion areas for benches can be near instead of immediately adjacent to?

Yes, the draft final guidelines for benches require the clear ground space to be "near" the bench. The clear space is not permitted to overlap a trail, ORAR, or another clear ground space.

41. Asphalt construction equipment is not as precise as concrete or board surface installation. Could the maximum asphalt cross slopes for routes and parking spaces be 3% instead of 1:48?

The draft final guidelines require surfaces constructed of asphalt to have a maximum cross slope of 1:48 in all directions. Additionally, the ADA and ABA Accessibility Guidelines require accessible parking spaces to have a cross slope of 1:48 maximum.

42. Will the Access Board develop a checklist for evaluations?

The Board's first priority is to develop technical assistance material. There are no immediate plans for developing a checklist.

43. Are there specs included for crushed rock surfacing?

No. The requirements for trails, ORARs, clear spaces, and beach access routes require the surface to be stable and firm.

44. Would the exception for the ESA trump the ABA and ADA Accessibility Guidelines requirement of 1/2 inch gaps maximum on hard surfaces like deck boards over water when part of accessible route where ESA and permit agencies want wider openings to reduce shade where other larger fish can hide so they eat endangered salmon?

Conditional exception number 4 addresses situations where compliance with a technical provision may be precluded by the Endangered Species Act. Where this applies, entities should comply with the provisions to the “maximum extent feasible”.

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