

## IV. QUESTIONS AND SCENARIOS

1. Who do we have to talk to about accessibility? Who makes these decisions? Who should we involve? What resources are there to help answer questions about accessibility?

First off, talk to your ATC Regional Director and agency partner or the owner of the land you are working on. Your agency partner may be able to provide you with direction and decision making regarding accessibility. At the time of this writing, trails are only required to follow the FSTAG when they are on US Forest Service lands and they meet the three qualifying criteria. Only newly constructed or heavily renovated structures, such as shelters and privies must also be accessible on any public land.

2. We're going to build a new shelter. Do we have to make it accessible?

Yes. All new construction on any public land must be made accessible. That has been the law on federal lands since 1968 (Architectural Barriers Act), and on other public lands since 1990 (Americans with Disabilities Act).

3. We are replacing the roof on our shelter.  
Do we have to retrofit the shelter to make it accessible?

No, because roofs are not required to be accessible in the guidelines. If there is an opportunity to change the roof to increase accessibility, perhaps by removing a protruding overhang that is less than 80" above the ground and is therefore a potential hazard to a person with limited vision, that would be a good improvement. However, you would not be required to change any other portion of the structure to make it accessible just because you are replacing the roof.

4. We need to put in a new privy to replace the one that is there.  
Do we need to make it accessible?

Yes. See the answer to question 2., above.

5. We are planning a relocation of the A.T. Do we need to make it accessible?

No. A relocation of a trail does not meet the first of the three criteria for applying the FSTAG. That is, a relocation is not the construction of a new trail or an alteration of the trail, which is defined as the change in the original purpose, intent, or function for which the trail was designed. On other federal or state lands, there are no legally required guidelines for accessible trails as of this writing, though such guidelines are in the works.

6. We are planning to build a new side trail connecting a trailhead to the A.T.  
Do we need to make the side trail accessible?

On Forest Service lands, because this is a new, hiking/pedestrian trail, that connects directly to the trailhead, the first three conditions determining applicability of FSTAG have been met, so the FSTAG applies. But also, remember that what you call a trailhead may not meet the definition of a trail head; check question 11., below.

7. We think we have a section of trail we'd like to make accessible.  
What do we do next?

Talk with your regional director and agency partner. There will be many design decisions that will need to be made, and construction and maintenance will require significant funds. And remember, even if you want to make a trail accessible, it may not be feasible, or doable. If the action will alter the character of the trail, do not make the trail accessible. However, if accessibility will fit nicely into your other design parameters, we highly encourage you to design for the most accessible trail you can attain, while balancing the primitive management philosophy of the A.T.

8. Can a section be partially accessible?

No. A section of trail is either accessible, or it is not. However, by applying any of the technical provisions in the FSTAG that you can (without changing the natural setting), the result may be a substantially improved trail for many users, even though the trail would not meet the legal definition of accessible.

9. If someone can accept the challenge of the Trail why can't they accept the challenge of a shelter or privy that isn't accessible?

It is not a matter of accepting, it a matter of civil rights and the law. There is a fundamental difference between a trail and a shelter, privy, or post office for that matter, and it has to do with a built environment versus a natural environment. Under existing federal legislation, all facilities on public lands are to be accessible – it is a right for any person to expect a post office, shelter, or privy will be built in a manner that does not prevent them from using it. But a trail is a different matter: In a natural environment, all users, those with and without disabilities, choose the trails they are going to use based on the skill level required and natural setting. Facilities built on public land should not, by law, have a skill level – they should be accessible and useable by all.

As explained once by a hiker who uses a wheelchair, “Hiking is challenge by choice, using a privy is not a choice, so it shouldn't be a challenge.”

### 10. What about fire towers?

Fire towers are exempt from accessibility requirements under the 2004 ADA/ABAAG, section 206 for buildings. That exemption includes “raised areas primarily used for security, life safety, or fire safety including, but not limited to, lookout galleries, prison guard towers and fire towers.”

### 11. What is the difference between a parking lot and a trailhead?

FSTAG defines a trailhead as follows: “A site designed and developed by the agency, trail association, a trail maintaining club, a trail partner, or other cooperators to provide staging for trail use.”

For purposes of the FSTAG and FSORAG the following do not constitute a trailhead: “Junctions between trails where there is no other access; Intersections where a trail crosses a road, or users have developed an access point, but no improvements are provided by the Forest Service, trail associations, a trail maintaining club, a trail partner, or other cooperators beyond minimal markers for health and safety.” A designated trailhead may have a number of improvements such as a parking lot with designated parking spaces, an information kiosk, and a toilet.

The ADA/ABAAG only requires accessible parking spaces be designated by a sign with the wheelchair symbol, at parking lots that have designated spaces for 5 or more vehicles. If an area is provided at a trailhead in which vehicles are parked, but individual parking spaces are not designated by line striping, separate wheelstops, or other means identifying individual parking spaces, then there is no designated parking in that lot. If there is no designated parking in the lot, the requirement to designate accessible parking spaces also does not apply to that parking lot.

### 12. What is a trail head and when does it have to be accessible?

See the definition above. Since a trailhead is a constructed facility, it needs to be made accessible when the opportunity to do so presents itself, like when it is built, or when repairs to its components are necessary. For example, a non-accessible privy at a trailhead should be made accessible when replaced or if renovations are needed that offer an opportunity to make it accessible.

On Forest Service lands the connection between a parking lot and a trailhead is required to be accessible because parking lots and trailheads are considered to be facilities and so the connection between them is addressed in the accessibility guidelines. Because these facilities are not part of the trail itself, the pathway that connects them is an Outdoor Recreation Access Route (ORAR) and is to meet the accessibility requirements for an ORAR.