

Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG) Qs and As

Q.= What is the reply due date for comments on the FSORAG?

A.= There is no "reply date" set. We will continue to accept comments from reviewers and make edits right up to publication in the Federal Register. The Forest Service (FS) is expecting publication in the Federal Register in the fall to early winter of 2003/2003. There will also be a comment period after the publication in the Federal Register --but we are using this pre-time for editing.

Thanks to all of you who are willing to take the time to read through all the sections to give the FSORAG a thorough review! (Janet Zeller)*

Q.= Which Accessibility Guidelines should the FS be following for outdoor recreation areas (campgrounds, picnic areas, trails and so forth) -- the 1999 Draft accessibility guidelines from the Access Board Regulation Negotiation Committee (RegNeg) or the draft Forest Service accessibility guidelines? The white paper "Facility Accessibility Qs and As" only referred to the FS accessibility guidelines.

A.= The FS is in an interesting position right now on those guidelines. We expect the draft Forest Service Outdoor Recreation Accessibility Guidelines FSORAG and the draft FS Trails Accessibility Guidelines (FSTAG) to complete the rule making process in fall 2002 and then they will be the FS accessibility guidelines for those outdoor recreation areas addressed in the 1999 Reg Neg report to the Access Board. Since that facility white paper is expected to remain in folks files for a while- past the finalization of the FS guidelines the 1999 Reg Neg draft guidelines weren't mentioned—only the FSORAG and the FSTAG were cited.

There was discussion with the Regional Recreation Accessibility Coordinators early in 2002 as to what guidance to give the folks re the Reg Neg draft and the draft FS accessibility guidelines and the consensus was not to officially (Director's letter) tell folks to stop using the Reg Neg draft until the FS draft finalized. So either set of draft guidelines can be used right now. When the FS drafts finalize --then official direction will be sent that the FS guidelines are the only ones to be followed for those outdoor recreation areas. (Janet Zeller)

Q= Why aren't the Americans with Disabilities Act Accessibility Guidelines (ADAAG) referenced on pg. 6 #11?

A= The ADAAG aren't included because as a federal agency FS programs and facilities are not under either the ADA--or its ADAAG (with one exception-- --federal agencies are under ADA Title V Section 507c in Federally Designated Wilderness). The citation on pg. 6 #11 is referencing the laws that apply to the USDA Forest Service programs and facilities.

That said -- of course under the ABA the FS are under the Uniform Federal Accessibility Standards (UFAS) and in 1991 the Forest Service adopted the policy that the agency would

follow the higher standard --of UFAS or ADAAG--until the finally two guidelines are merged as the ADA/ABA, which should occur by early 2003.

However that is an agency policy --not the law under which the FS operates. The ADAAG is referenced in the draft FS guidelines as a space holder --because as soon as the final ADA/ABA guidelines are published the FS will go back into these FS guidelines and convert those ADAAG citations to the new ADA/ABA citations. (Janet Zeller)

Q= Why are there “departures” from the guidelines permitted?

A= The conditions of departure, limiting factors, etc. are straight out of the Access Board Draft Reg Neg committee report. One of the primary functions of these conditions for departure from the guidelines is to ensure that the character and the setting of the developed outdoor feature – camping space, toilet, and so forth, is not changed solely for the propose of making that developed outdoor feature accessible.

As the FS laid out in the narrative -- the draft Reg Neg guidelines were followed to the extent possible--in order to ensure that the FS didn't have to make a major change later (2005/2006) when the Access Board finalizes their outdoor recreation accessibility guidelines. The Forest Service will be required to move under those Access Board guidelines, when they finalize, unless the FS accessibility guidelines meet or exceed those final Access Board guidelines. The FS accessibility guidelines exceed the Access Board criteria –because the FS guidelines incorporate the FS "universal design" policy. So in these FS guidelines EACH picnic table, camping spaces, fire ring, etc, etc. is to meet the accessibility guidelines. The Access Board guidelines will call for 20% --the FS requires 100% in order to be in accordance with universal design. (Janet Zeller)

Q= If it would be expensive to make the facility accessible, can the FS claim it would be an “undue financial burden” and then not have to make the facility accessible?

A= A federal agency can not use "cost" as an out unless that single project's cost would have a negative impact on the entire agency budget. This determination has been made by the Department of Justice. However, despite the cost, in accordance with the guidelines and with universal design - the “setting” is not to be changed in order to make the trail accessible. So there is no requirement to dynamite, or pave etc. to provide accessibility if doing so would change the character and experience of the setting. (Janet Zeller)

Q= In 5.3.3 how is the “raised edge” measured?

A= This provision requires that the distance across the top of the raised edge down to the fire building surface not exceed 24". This provision would not apply to the standard, commercially manufactured fire ring, such as those available from Pilot Rock, Iron Mt Forge, etc. that tend to be used in most of developed campgrounds. The material used to fabricate those fire rings is

usually some type of metal, not very thick/wide. The only consideration for this type of standard fire ring is that the surface on which the fire will be built be no less than 9" above the ground.

The raised edge provision in 5.3.3 is intended primarily for a custom built unit. Since there is no drawing yet, people need to imagine the whole "raised edge" thing as a little wall around the fire building area--maybe built out of bricks or mortared stone, etc. So, the important thing is that the reach across the TOP of this edge and DOWN the inside of the unit to the fire building surface be 24" or less. It has nothing to do with the measurement down to the ground, because someone in a wheelchair is not reaching down to the ground. The RegNeg committee came up with this provision as a slight variation on the side reach range in ADAAG. The committee didn't want a fire ring to have a really wide raised edge around it, which then would make it difficult for someone in a chair to reach over this edge and reach the fire building surface to place and ignite the wood. It does make sense once people have the right picture in mind, which is why we carried it forth to FSORAG. (Ruth Doyle)

Q.= Why does the Forest Service require all picnic tables, benches, fire rings, and so forth to be accessible? Why are we putting accessible tables, etc. at sites where the route to the site doesn't meet the accessibility criteria? It costs too much.

A.= Since 1993 universal design has been the policy of the Forest Service. As is stated in the 1993 Universal Access to Outdoor Recreation, a Design Guide --written by the Forest Service -- all new and reconstructed facilities, including picnic tables, fire rings, and so forth are to be accessible. This commitment is not new to the Forest Service with these guidelines -- the FSORAG simply incorporate that higher standard that the agency determined 9 years ago. Everything that has been constructed or reconstructed in the past 9 years was to have met the universal design criteria.

Why? --because each person chooses both the recreation experience and the setting for that experience. When the FS, as a federal agency, determines that we are going to construct a feature or facility in that setting-it is to be accessible that is universal design. Because we are not to change the character and experience of the setting -- it is possible that the pathway to that campsite, or picnic table may not meet the specifications for gradient or stability--due to the soil type in the area -- but if the individual determines to reach that site --when they get there that FS constructed facility is to be fully useable whether or not the individual has a disability --therefore accessible.

The FS appreciates your concern for cost. And that takes planning --for example a number of forests have found it more cost effective to construct their own picnic tables -- using an accessible design such as 8 ft top and benches on a 7 foot base-- resulting in a table at which both ends are accessible --while still being a standard 8 ft. table. Please also understand that the Department of Justice has ruled that no federal agency can claim cost as the reason for not providing accessibility --unless the cost of that single project would have a negative impact on the total budget of agency. That ruling simply means that we have to find smarter ways of providing accessibility. It has also been documented that when accessibility is integrated into the

plan for new construction or reconstruction --from the start of that plan --there is not a significant cost difference. (Janet Zeller)

*

Ruth Doyle, FS Representative to the Access Board Regulation Negotiation Committee, lead author of Forest Service developed 1993 publication Access to Outdoor Recreation, A Design Guide, Assistant Recreation Staff and Forest Landscape Architect –Santa Fe National Forest

Janet Zeller, FS Nation Accessibility Program Manager – Washington Office