

## **DRAFT**

### **Forest Service Trails Accessibility Guidelines (FSTAG) Qs and As**

#### **Q.= What is the reply due date for comments on the FSTAG?**

**A.=** There is no "reply date" set. Comments from reviewers will be accepted and edits will be made to the FSTAG right up to publication in the Federal Register. The Forest Service (FS) is expecting publication in the Federal Register in the winter of 2003. There will also be a comment period after the publication in the Federal Register. Comments can be sent to [jzeller@fs.fed.us](mailto:jzeller@fs.fed.us).

---

#### **Q = Why is the Forest Service developing accessibility guidelines for trails managed for pedestrian use when the U.S. Access Board has not put out accessibility guidelines for outdoor developed areas yet?**

**A =** The Forest Service has developed accessibility guidelines for trails managed for pedestrian use because there are no other accessibility guidelines, that have completed the rule making process, that recognize and preserve the unique aspects of hiking trails. The Forest Service internal and external trails community is without guidance on how and where to integrate accessibility appropriately on trails and at the same time is in jeopardy of legal noncompliance for not integrating accessibility.

The only national accessibility guidelines of general applicability that have completed the rulemaking process are the Uniform Federal Accessibility Standards (UFAS), issued in 1988, and the ADAAG, issued in 1991. Both guidelines address highly developed environments. The UFAS and ADAAG do not specifically address the outdoor, natural recreational setting, however they also do not exempt those outdoor recreation areas from accessibility requirements. The Access Board has completed the rule making process with Chapter 15 of the ADA that addresses some recreation facilities including play areas, sports arenas, miniature golf courses and places of amusement. Those guidelines do address boating and fishing facilities but they do not address pedestrian hiking trails.

Neither UFAS or ADAAG takes into consideration that applying those same standards for gradient, width, surface and cross slope could radically change the setting and therefore the experience on a hiking trail. For example by applying to pedestrian trails the standards for "accessible routes", which is the only segment of the UFAS/ADAAG that apply to walkways, the remote and often primitive long distance hiking trail could be turned into a trail with the look and feel of a city park.

At the same time there are opportunities to improve access to some trails, in part or in full, as well as to access special features that all people would like to be better able to reach such as waterfalls, scenic vistas and so forth. Also there are sections of even primitive trails that move in and out of more urban areas and so provide opportunities to meet accessibility guidelines without changing the experience of the trail in those sections.

Because there are no accessibility guidelines that recognize the uniqueness of pedestrian hiking trails, they are in jeopardy. Under the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, all new or reconstructed areas are to be accessible. Therefore UFAS and ADAAG should be applied to all new or reconstructed trails, however because applying those guidelines would radically change the settings and experiences of many hiking trails, accessibility on pedestrian trails has been largely ignored. Therefore opportunities that do exist to improve accessibility are being lost.

The Forest Service has been working since the late 1980s to address this issue of balanced accessibility that is providing accessibility where it can be integrated without changing the outdoor recreation experience. The Forest Service has made efforts through the 1993 Access to Outdoor Recreation, A Design Guide and work with the U.S. Access Board's Regulation Negotiation (Reg Neg Committee) on Outdoor Developed Recreation Areas. Unfortunately outdoor recreation accessibility guideline development and rule making process for the Reg Neg Committee's work has bogged down and will likely be a number of years before it is finalized.

In the meantime there is no accessibility guidance, that has completed the rule making process, to provide for trails managed for pedestrian use that are to be constructed on Forest Service managed lands. This void needs to be filled to assist pedestrian trails managers and supporters and to best serve hikers with and without disabilities.

This is also a time of opportunity for the agency and the trails community to work together to craft accessibility guidelines that are congruent with the direction of the Reg Neg Committee's draft, but that are designed to fit the needs of the Forest Service, the trails builders and supporters and all hikers, with and without disabilities.

By developing and completing the rule making process with accessibility guidelines unique to the Forest Service trails managed for pedestrian use and yet that are equal to or a higher standard than those being developed by the Access Board, the Forest Service can better serve all people.

The FSTAG will remain in effect even after the Access Board's guidelines finalize because the FSTAG will be equal to or a higher standard than the Access Board guidelines. However, once the Access Board issues those final guidelines, the Forest Service will review the FSTAG to determine if any revisions to the FSTAG are necessary or appropriate.

---

**Q = Why doesn't the Forest Service complete the rule making process with accessibility guidelines based on the Recreation Opportunity Spectrum (ROS) that would provide a higher level of accessibility in more developed areas, less change to the environment in less developed areas and no change in to the environment in undeveloped areas?**

**A** = The Access Board Regulation Negotiation (Reg Neg) Committee, dismissed the possible use of the ROS process as a basis for applying accessibility to outdoor recreation areas including trails. Instead the Reg Neg adopted the criteria that there is to be one level of accessibility applied to all areas, including all new or reconstructed trails managed for pedestrian use. To address the uniqueness of outdoor recreation areas the Reg Neg devised a series of conditions of departure and exceptions that permit areas, trail segments or entire trails to be exempted from the accessibility guidelines if complying with the guidelines would change the setting, trails class, etc.

If the Forest Service adopted the ROS concept as the basis for its accessibility guidelines, that would permit exempting certain areas from even evaluation for the possibility of complying with accessibility criteria. That would be a lower standard than the Access Board will be taking in their accessibility guidelines applying to outdoor developed recreation areas, per the Access Board's Reg Neg Committee findings. Therefore the Forest Service would then be required to move to the higher Access Board standard, when they are finalized, creating additional disruption to the field.

---

**Q = Why doesn't the Forest Service designate a separate trail class for accessible trails set the criteria for that type of trail and leave the rest of the trails as they are?**

**A** = If the Forest Service adopted a separate trail class for accessible trails that would mean that any trails that did not meet that could not meet standard for width, grade, cross slope, and so forth for the length of the trail, without changing the setting and experience offered by that trail, would be exempt from accessibility. Such a trails class designation process would permit exempting certain areas from even evaluation for the possibility of complying with accessibility criteria.

While such a trail class designation would fit the pedestrian trails in the more developed areas, such as those connected to visitor centers, interpretive trails and so forth, it would miss accessibility opportunities such as from the parking lot to a great waterfall view 300 ft. from the trailhead. Those exemptions would be a lower standard of analysis than the Access Board will be taking in their accessibility guidelines applying to outdoor developed recreation areas, per the Access Board's Reg Neg Committee findings. Therefore the Forest Service would then be required to move to the higher Access Board standard when they finalize, creating additional disruption to the field.

---

**Q= Will there continue to be Trail Classes allowing for a variety of settings and therefore different experiences– or will these guidelines make all trails the same, leveled out, the same width and so forth-in order to be “accessible” trails?**

**A** = The trail classes will absolutely be retained through the use of the FS Trails Accessibility Guidelines (FSTAG). The FSTAG allows for Conditions of Departure (CD) that, under CD - 2, lists altering "Trail Class" as an acceptable reason for not applying the FSTAG technical provisions for accessibility.

If a trail is being constructed in a semi-primitive setting, the setting prevails, not the level of accessibility. For example if a trail is being designed through a glacial boulder field, then the natural features prevail, not level of accessibility. If a trail is being designed in a wide open, relatively level area, it should be accessible to the highest degree possible. Not thinking through accessibility during the design phase results in inaccessible trails where accessible trails are possible. That would be doing the public a disservice.

There are CD's that cover physical setting, recreation setting, natural features, and terrain. Generally, the Conditions of Departure cover all the important elements of a long distance trail and the things that we consider when we locate trail segments.

It is important to construct accessible trails, especially in urban, rural and heavily used areas. The FS strives to be a leader in promoting accessible recreational experiences. But through the FSTAG the long distance trails will remain as they are —those settings will not be changed.

However where there is the opportunity – on a new or reconstructed trails- to provide accessibility often from the parking lot to the waterfall view, or the scenic viewpoint, and so forth – and the setting would not be changed by meeting the accessibility criteria – the FSTAG provides the criteria.

It will only be known where the FSTAG can be appropriately applied –by following through the questions in the Process Overview. Very quickly the trails to which these guidelines will not apply become clear. By using the Process Overview it can be assured that the opportunities have been evaluated to provide the highest level of accessibility – that does not change the character and experience of the setting. That has always been – and will always be-the Forest Service goal. The FSTAG supports that goal.

---

**Q= Foot travel is allowed on all trails. Does that mean every trail that people hike on is “Managed” for Hiker/Pedestrian use?**

**A=** Not every trail that people hike is “managed” for pedestrian use. The Forest Service Trails Accessibility Guidelines (FSTAG) only apply to new constructed or reconstructed National Forest System Trails, that connect to a designated trailhead or an accessible trail and have been designated under the Forest Service Trails Business Rules criteria as having a “managed use” of hiker/pedestrian.

According to the Forest Service Trail Business Rules, each trail or trail segment has a single “designed use”, which is the intended use that controls the desired geometric design of the trail and determines the subsequent maintenance parameters for the trail. The same trail or trail segment may have multiple “managed uses”, which are defined as the mode(s) of travel that are actively managed and appropriate, considering the design and management of the trail. For that reason, if one of the managed uses is hiker/pedestrian, then FSTAG apply. ." If there are 2 or 3 managed uses for the trail, the most restrictive one in terms of design constraints will be the designed use

“Managed use”, is an official term in the 5.0 version of the Forest Service infrastructure database that is referred to as “Infra”. The term managed use indicates actively managed, that is a management decision has been made to encourage, manage for, provide adequate structures, grade, and so forth for a certain type of use within a certain trail class. This will become clearer as the Forest Service provides training in the implementation of these Trails Business Rules. This training is planned as part of the Forest Service Infra Trails Training sessions, as well as the national Trail Assessment and condition Survey (TRACS) train-the-trainer and subsequent regional TRACs training sessions. The training materials are not yet available, but will have clear examples on managed use.

Also, it needs to be made clear that managed use as well as designed use and trail class, are national Forest Service Trails Business Rules/Management Concepts. These terms and concepts are slated for inclusion in the next update of the Forest Service Trails Handbook. These basic management concepts are more fundamental than Infra alone because Infra is simply one location (the corporate database) where the assigned managed use, designed use and/or trail class is recorded.

---

**Q= If it would be expensive to make the trail accessible, can the FS claim it would be an “undue financial burden” and then not have to make the trail 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. a trail in order to provide accessibility as doing so would change the character and experience of the setting. (Janet Zeller)

---

**Q = Why do these guidelines have to be applied to all trails to see if they fit?**

**A =** The Access Board RegNeg drafted and the Access Board has adopted the policy of 1 level of access applied to all trails with conditions of departure and exceptions to fit the setting, etc. to be applied to every new or reconstructed trail that is managed for pedestrian use. That is going to be the Access Board approach and is what the final federal law will require. The FS cannot adopt any lower standard than that or when the Access Board trails accessibility guidelines finalize the FS would be forced to adopt that higher Access Board standard. As the result the FSTAG cannot automatically exempt certain trail classes from the evaluation for accessibility potential. However, the FSTAG Process Overview was developed to take the planner through the step-by-step questions to quickly determine if the FSTAG would apply to the trail they are designing.

---

**Q = Why not exempt all wilderness experience trails?**

**A =** If the wilderness characteristics / experience of the trail would be changed by meeting the accessibility guidelines for width, gradient, etc. then that would “substantially alter the recreational setting” of the trail and Condition of Departure #2 would preclude that portion of the trail from being changed to make it accessible.

However, though the National Scenic Trails (NST) are designed to provide a wilderness experience some NST, such as the North Country Trail, pass through urban areas. In those areas it may well be possible to provide accessible hiking experiences in some sections where the wider, flatter trail would not change the otherwise not wilderness experience.

Because all trails have unique situations, the FSTAG is to be applied initially to each new or reconstructed trail that is managed for pedestrian/hiker use. The Process Overview helps the trail planner/designer to quickly determine whether or not there are opportunities to provide accessibility without changing the character and experience of the trail (Janet Zeller)

---

**Q = Surface: The trail tread surface shall be firm and stable”. Does this require that imported materials must be used to make the trail surface firm and stable?**

**A =** No. There is an exception stated immediately below FSTAG Section 7.3.3 “Exception. This provision does not apply where a firm and stable surface cannot be provided because a Condition of Departure (7.1.1) exists.” Condition of Departure 7.1.1 #2 states “Where compliance would substantially alter the physical or recreation setting; the Trail Class, Designed Use or Managed Use of the trail or trail segment; or would not comply with forest land and resource management plans”.

If the importing of surfacing materials would “substantially alter” the physical setting and/ or the Trail Class– then the FSTAG do not apply – in accordance with Condition for Departure #2..

---

**Q = After the terrain or an obstacle makes it necessary to depart from the accessibility standards, why is it required that the trail return to the accessibility standards. A person in a wheelchair would have been blocked by the terrain or obstacle, so what’s the point in making the trail accessible past that blockage?**

**A =** Only 2% of people with disabilities use wheelchairs. The majority of people with mobility impairments use crutches, canes, etc. and may be able to get around or over an obstacle without too much difficulty. Though steep terrain may be difficult it may be manageable for that person for a limited amount of time.

All accessibility guidelines are designed around the footprint of a wheelchair because if a person using a wheelchair can negotiate the area or facility, it is likely all other people could also access it.

Also although a person using a wheelchair might have to have assistance from companions to make it up a steep grade or to be lifted over an obstacle, once that difficulty is past, the individual could continue on the trail independently if that trail again complies with the accessibility guidelines.

---

**Q.= Could “maximum cross slope” and “obstacle” be combined on the signage?**

**A.=** The term obstacle is used in accessibility documents to indicate things that stick up above surface of floor, path, etc. It is not used in the global sense of barrier. In the FSTAG, obstacle is addressed in section 7.3.6, while cross slope is addressed in section 7.3.1. It would be confusing to combine those two terms.

---

**Q =Why must new facilities (toilets, etc.) be accessible when constructed along trail segments that are not accessible?**

**A =** The accessibility laws (the Section 504 of the Rehabilitation Act of 1973, the Architectural Barriers Act (ABA) of 1968 and the Americans with Disabilities Act (ADA) of 1990) require that all new facilities constructed by federal, state and local government organizations, as well as facilities provided for the public by other entities, must be accessible in accordance with the accessibility standards in place when the facility was constructed. There are no exceptions to those requirements. No entity has the authority to over rule those facility accessibility laws because they think a person with a disability won't go there.

While the FSTAG will not change the primitive trails where widening or flattening, etc. of the trail would change the setting or purpose of the primitive trails, in the coming years the “wheelchair” and other assistive medical technology will change radically. It is very likely that in the not too distant future technology will provide wheelchairs, that meet the legal definition\*, and can travel across narrow, steep terrain and also not be dependent on firm and stable surfaces or plug in recharging. Those individuals with disabilities utilizing such devices will get to primitive areas and expect to be able to use the toilet at that location. If the facility was constructed by a federal agency after 1968 or by any other entity after 1990, that facility is to be in compliance with the accessibility guidelines that were in place at the time of the construction. That requirement does include the toilet in that primitive area.

This issue was clarified to the National Park Service, when they were filed against for the lack of accessibility of the toilet at 10,000 ft. on Mt.Rainer. The petitioner was a paraplegic who was climbing the mountain with a sit-ski and ropes. However he was not able to use the toilet, that the rest of his party could use, because it wasn't accessible.

The Park Service settled the case by replacing that toilet at 10,000 ft. with an accessible the model that toilet. Replacing the toilet was far more costly than simply installing an accessible model from the start.

Now, more than ever, all organizations must be diligent in ensuring that when it is determined a facility will be constructed, wherever that facility is located, the facility is appropriate to the setting and accessible.

The Forest Service has the designers who will work with our partners to ensure that the design the partners want to place off the trail meets both the ROS and accessibility criteria. When constructing new facilities, if accessibility is integrated into the design from the beginning, there is not a measurable difference in cost. If however the facility is under construction before accessibility is considered, or the facility has to be replaced with an accessible model at a later date, it is likely there will be additional costs.

---

**Q= If a trailhead, etc. is near a wilderness area, but not in the wilderness area, does it have to be accessible.**

**A=** All facilities associated with a developed/ designated trail head (not an arbitrary widening in the road created by users) are to be accessible including access to any signs, the restroom if there is one and to any other facilities at the trailhead. That work must be completed under the transition plans for existing sites as well as for any new or reconstructed trailheads. (Janet Zeller)

---

**Q= Why aren't the Americans with Disabilities Act Accessibility Guidelines (ADAAG) referenced In the FSTAG on page 4 of the Preamble #11 under Goals?**

**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.

Federal agencies are under the Architectural Barriers Act (ABA) and the ABA guidelines the Uniform Federal Accessibility Standards (UFAS). 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 the Access Board expects to occur by early 2003.

The ADAAG is referenced in the draft FS guidelines as a space holder. 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.

---

Draft 10/26/2002

If you have questions or comments about the draft FSTAG please contact Janet Zeller, US Forest Service Accessibility Program Manager at [jzeller@fs.fed.us](mailto:jzeller@fs.fed.us) or at 202-205-9597.