

**City of  
Albuquerque**

**GARTC**

**Funded by the  
Albuquerque Parks  
and Recreation  
Department  
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**Trails are for  
Everyone...the  
Americans with  
Disabilities Act**

**John N. McGovern, JD  
President  
Recreation Accessibility  
Consultants, LLC**

# *The Basics*

- **Who “owns” trails?**
- **Who operates trails?**
- **Who uses trails?**
- **Who is a person with a disability?**

# ***The Complex Americans with Disabilities Act***

- **January 26, 1992 and March 15, 2012**
- **What is ADA title II? What is 35.150?**
- **What is a “program” of state or local government?**
- **Is a trail a “program”?**
- **Difference between a Standard and a Guideline!**

# ***What is a title II “program”?***

**Museums**

**Football fields**

**Soccer fields**

**Fishing areas**

**Picnic areas**

**Basketball courts**

**Disc Golf courses**

**Rental pavilions**

**Dance facilities**

**Sidewalks**

**Constructed park restrooms**

**Softball fields**

**Playgrounds for children 2 to 5**

**Playgrounds for children 5 to 12**

## **Trails**

**Horseshoe pits**

**Dog parks**

**Golf courses**

**Fitness facilities**

**Computer labs**

**Gymnasias**

**Portable Toilets**

## ***What is ADA title III?***

- **36.104...park...or other place of recreation**
- **36.211 Maintenance of accessible features**
- **36.304 Readily achievable barrier removal**
- **36.401 New Construction**

# *Important Note!*

***Not*** every existing trail must be made accessible.

***Not*** every trail to be planned and made in the future can be made accessible.

***Acting in good faith is very important.***

# ***Complex Federal Guidance***

- **2010 Standards for Accessible Design and the accessible route**
- **2008 DoD Standards for Accessible Design and the accessible route**
- **2006 GSA Standards for Accessible Design and the accessible route**
- **2004 ADA/ABA Final Guideline and the accessible route**

# ***Complex Federal Guidance***

- **PROWAG (a final guideline)**
- **Shared Use Paths (not yet a final guideline)**
- **Outdoor Developed Areas for federally owned and operated sites (final for federal only)**
  - 1. Outdoor Recreation Accessible Route (ORAR)**
  - 2. Trails**



## ***Outdoor Developed Areas***

- **What is a trail? A pedestrian route developed primarily for outdoor recreation purposes. (NOT an ORAR)**
- **Expectations?**
- **247**
- **1017**

# 247

- **Scoping...Trails for hikers and pedestrians shall comply with 247**
- **New trails shall comply with 1017 requirements**
- **Existing trails must have access audit against 1017**
- **Alteration triggers 1017 (changes to trail width, trail surface, overall grade, or rerouting)**

# ***1017***

- **Trails comply with 1017**
- **If 1019 condition for departure exists, comply to the maximum extent feasible**
- **Trail developer must document conditions and plans if it is determined it is impracticable for the trail to comply with 1017**

# ***Concrete, Asphalt, or Boards***

- **Special treatment!**
- **Tread obstacles**
- **Running slope**
- **Cross slope**

# ***1019 Conditions for Departure***

- **Compliance is not feasible due to terrain**
- **Cannot be accomplished due to prevailing construction practices**
- **Would fundamentally alter trail purpose**
- **Compliance is precluded by ESA, NEPA, NHPA, Wilderness Act, or state or local laws regarding cultural, historical, and protected species or environments would be affected**

# Trailhead



# Communication



# Running Slope





# *And X Slope*



# Accessible Routes (a Standard)

- Pathways connecting typical site elements (parking, building entry, ball field, etc.)
- Min width 36"
- Max slopes 5% running, 2.08% cross; ramp 8.33% running
- Gaps 1/2" max, Change in Level 1/4" max
- Surface must be firm, stable, and slip resistant



# Outdoor Recreation Accessible Routes (ORAR)

- Paths connecting Outdoor Recreation elements (camping, trailheads, shelters)
- Min width 36"
- Running slopes can be as high as 10% for max 30', resting intervals needed
- Cross slopes 2% or 3.03% per surface
- Gaps 1/2" max, Changes in Level 1/2" or 1" max per surface type
- Surface must be firm and stable

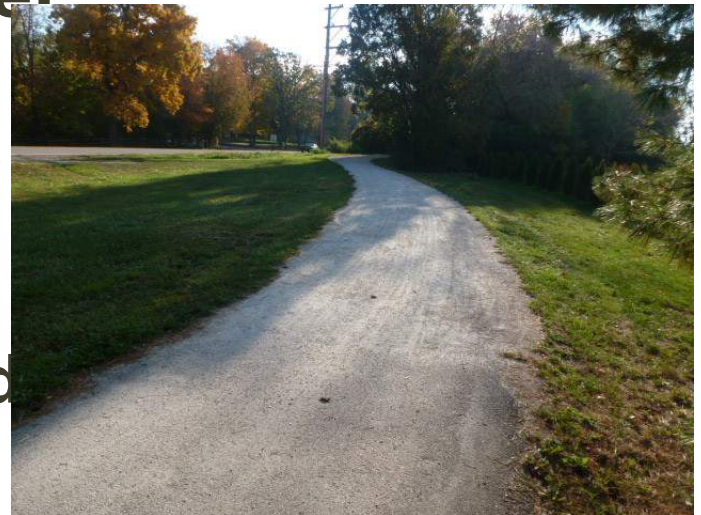


# What *Might* Be Wrong Here?



# Trails (final federal guideline)

- A path that creates an experience (often hiking)
- Min width 36"
- Running slopes can be as high as 12% for max 10', resting intervals needed
- Cross slopes 2% or 5% per surface type
- Gaps  $\frac{1}{2}$ " or  $\frac{3}{4}$ ", Changes in Level  $\frac{1}{2}$ " or 2" per surface type
- Surface must be firm and stable



***And Here?***



# Shared Use Paths

- Paths used primarily for transportation purposes (typically pedestrian and bike shared path)
- Min width 10'
- Running slopes max 5%, can be greater if path is in right of way and follows slope of roadway
- Cross slope max 2%, 5% if at intersection without stop or yield control
- match roadway at mid-block crossing
- Gaps  $\frac{1}{2}$ ", Changes in Level  $\frac{1}{4}$ "
- Surface must be firm and stable



# ***Public Rights of Way (PROWAG)***

- **Public sidewalks in the right of way (typically sidewalks along streets)**
- **Min width 48"**
- **Running slopes max 5%, can be greater if following slope of roadway**
- **Cross slope max 2%, 5% if at intersection without stop or yield control, can match roadway at mid-block crossing**
- **Gaps  $\frac{1}{2}$ ", Changes in Level  $\frac{1}{4}$ " or beveled  $\frac{1}{2}$ " max**
- **Surface must be firm, stable and slip resistant**





# *The More You Touch It...*





# ***Maintenance!***



## ***More Maintenance...***



# ***Don't Forget an OPDMD Policy***

- **Other Power Driven Mobility Devices**
- **Everywhere a pedestrian can go...trails**
- **Width and slope**
- **Neutral factors**
- **Two questions...**

# ***Resources***

- **US Access Board at [www.access-board.gov](http://www.access-board.gov) and 202/272-0080**
- **US Department of Justice at [www.ada.gov](http://www.ada.gov) and 202/514-0301**
- **NRPA at 703/858-0784 or [www.nrpa.org](http://www.nrpa.org)**

# *Recreation Accessibility Consultants LLC*

- **John McGovern at 224/293-6451 or [john.mcgovern@rac-llc.com](mailto:john.mcgovern@rac-llc.com)**
- **[www.rac-llc.com](http://www.rac-llc.com)**
- **Access audits, system-wide transition plans, plan review, assistance with compliance disputes, staff training**