Trails are for Everyone...the Americans with Disabilities Act

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GARTC
Funded by the Albuquerque Parks and Recreation Department
May 17, 2016
The Basics

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

[Image of running slope]

[Image of running with a device showing a 45° angle]
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 ½” max, Change in Level ¼” 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 ½” max, Changes in Level ½” 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 ½” or ¾”, Changes in Level ½” 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, can match roadway at mid-block crossing
- Gaps 1/2”, Changes in Level 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
- www.rac-llc.com
- Access audits, system-wide transition plans, plan review, assistance with compliance disputes, staff training