

FS Policy on Wilderness Accessibility - Highlights

Source: Janet Zeller, Forest Service, National Accessibility Program Manager

Laws requiring accessibility:

- The Architectural Barriers Act (ABA) of 1968
 - applies to Federal agencies.
- Section 504 of the Rehabilitation Act of 1973
 - applies to Federal agencies.
- The Americans with Disabilities Act (ADA) of 1990
 - does NOT apply to Federal agencies
 - with 1 exception...Title V Section 508c

The ABA and Wilderness

Architectural Barriers Act of 1968 (ABA)

- Any facility that is built, bought, rented, or leased by, for, or on behalf of a Federal agency is to be accessible.
 - The facility is to be appropriate for the setting and accessible.

Facilities in Wilderness...

- If a decision is made to construct a toilet for environmental management reasons, etc.
 -that toilet must be accessible (ABA and Forest Service Outdoor Recreation Accessibility Guidelines)
 -the same basic design appropriate to that setting but adjusted to be accessible.

Gates, berms, and other barriers

Section 504 states:

- “No person with a disability can be denied participation in a program that is available to all other people, solely because of his/her disability.”
- If foot travel is permitted beyond a gate, berm or other barrier – a person using a wheelchair must also be able to access that area.
- Need 36” minimum of clear passage around gate, berm or other barrier to such foot travel areas.

**Section 504 requires
equal opportunity to participate in ALL programs**

as long as any modification necessary for participation by a person with a disability does NOT “**fundamentally alter**” the **program or services** offered to **all** people.

A Reminder

- A program is accessible if
 - a person with a disability has an equal opportunity to participate and gain the same benefits offered to all by the program or service.
- Programs are not required to guarantee successful participation.
- The laws require equal opportunity....
- Laws do not require exceptional opportunity.

The 1 section of the Americans with Disabilities Act (**ADA**) that applies to Federal agencies is:

- ADA Title V Section 508 c: applies to Federally designated Wilderness.

ADA Title V Section 508c

“Federal Wilderness Areas

- (1) In General-congress reaffirms that nothing in the Wilderness Act is to be constructed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires the use of a wheelchair and consistent with the Wilderness Act.

No agency is required to provide any form of special treatment or accommodation or to construct any facilities or modify any conditions of the lands within a wilderness area to facilitate such use.

- (2) Definition – for the purposes of paragraph (1), the term wheelchair means a device designed solely for use by a mobility impaired person for locomotion that’s suitable for use in an indoor pedestrian area.

Application “Designed solely for use by a mobility-impaired person” means that the original design and manufacture of the device was only for the purpose of mobility by a person who has a limitation on their ability to walk.

“Suitable for indoor pedestrian use” means the device would be allowed to be used inside a courthouse, the food court of a mall, etc. on the wood, carpeted or tile floors. Also the Architectural Barriers Act Accessibility Standards (ABAAS) standard for clear passage through a gate or a doorway is 36 inches. So will the device fit through? If the answer is “Yes” to all parts of the definition that device is allowed anywhere foot travel is allowed including in federally designated Wilderness.