

## **LAWS Applying to Federal Agencies** in Federally Designated Wilderness Areas (NWPS)



### **1968 - Architectural Barriers Act (ABA)**

Any facility that is constructed, altered or leased by, for, or on behalf of a Federal agency is to comply with the applicable accessibility guidelines.

- ◆ The facility is to be appropriate for the setting and comply with the guidelines.
- ◆ Applicable accessibility guidelines: 2006 ABA Accessibility Standards
  - for Forest Service:
    - Forest Service Outdoor Recreation Accessibility Guidelines and
    - Forest Service Trail Accessibility Guidelines

### **1973 - Section 504 of the Rehabilitation Act (Section 504)**

No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency.

- Unless that participation would result in a fundamental alteration of the program
- ◆ Implementation Regulations: USDA= 7 Code of Federal Regulations (CFR) 15e and 15b
  - DOI= 29 CFR part 17

### **1990 - American with Disabilities Act (ADA), Title V Section 508 (c)**

NOTE: This is the **only** portion of the ADA that applies to the programs, services and facilities of federal agencies.

#### **“Federally Designated Wilderness**

(1) IN GENERAL – Congress reaffirms that nothing in the Wilderness Act prohibits wheelchair use in a wilderness area by an individual whose disability requires its use. The Wilderness Act requires no agency to provide any form of special treatment or accommodation or to construct any facilities or modify any conditions of 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 is suitable for use in an indoor pedestrian area such as a courthouse, food court of a mall, etc. 36 inches wide =clear passage of gate or doorway.

***Application of the definition of a wheelchair:*** “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. 36 inches is standard for clear passage through a gate or doorway, so devices need to be 36 inches wide or less. A wheelchair or mobility device, even one that is a battery powered, that meets both parts of this definition is allowed anywhere foot travel is allowed.

**Note:** Architectural Barriers Act Accessibility Standards (ABAAS) require 36 inch of clear passage through or around any restrictive barrier placed on a route or trail.