



## Beach Access Routes: Key Considerations for Public Entities

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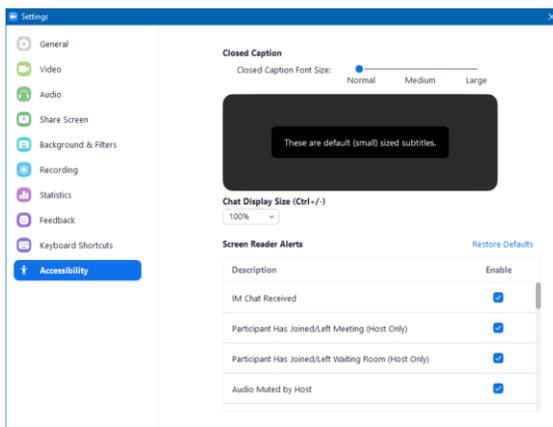
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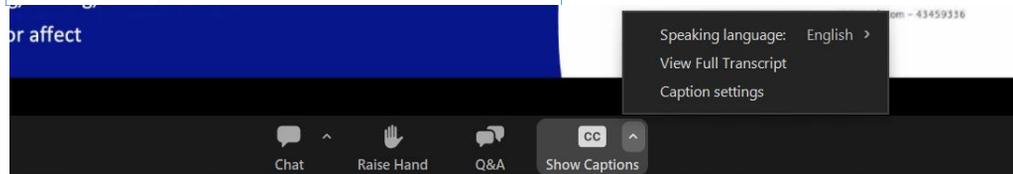
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### TransCen, Inc.

- Improving the lives of people with disabilities through meaningful work and community inclusion



### Mid-Atlantic ADA Center, a project of TransCen

- Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services

## ADA National Network

- Ten regional centers provide guidance, training, and materials on the ADA
  - **1-800-949-4232**
  - [ADAta.org](http://ADAta.org)



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Mid-Atlantic  Center TransCen

# Beach Access Routes: Key Considerations for Public Entities

**July 12, 2023  
2 PM – 3 PM**



Cornell University

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## Today's Presenter



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Information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

The Northeast ADA Center is authorized by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the ADA. The contents of this presentation were developed under a grant from NIDILRR, grant number 90DPAD0003. NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this presentation do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

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# Northeast ADA Center



**1-800-949-4232**

## Northeast ADA Center

...providing training, technical assistance, consultation, and materials on a broad range of topics related to disability in the United States.

[www.northeastada.org](http://www.northeastada.org)  
[northeastada@cornell.edu](mailto:northeastada@cornell.edu)

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## Today's program will review the following:



- How the ADA Title II obligations for *program accessibility* apply to beaches, and
- Discuss the **ABA *Outdoor Developed Areas Final Rule***, specifically the scoping and technical requirements for beach access routes.

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# ADA Title II

## State and Local Government



Title II of the ADA covers programs, activities, and services of public entities.

It is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments.



# Public Entity is Defined as...



Any State or Local Government **OR**

Any Department, Agency, Special Purpose District, or Instrumentality of State or Local Government

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# Program Accessibility



A public entity's services, programs, and activities, when viewed in their entirety, must be readily accessible to and usable by people with disabilities.



So...it's not just  
about  
"building"  
accessibility...  
programs and  
services must also  
be accessible





# Program Accessibility



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## Limitations to Program Access



A public entity does not have to take any action that would:

- Result in a fundamental alteration in the nature of its program or activity
- Cause undue financial or administrative burdens

**NOTE:** The public entity is still responsible for finding an alternative way to ensure individuals with disabilities receive the benefits and services of the program or activity.

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## Some points to consider...



- Title II of the ADA applies, which requires *Program Accessibility*.
- The public entity with jurisdiction over the beach should evaluate what means of providing access (i.e. permanent or removable beach access routes) are possible and determine the costs to purchase, install and maintain these accessibility features.
- If improving access is not feasible currently, then providing for access over a defined period of time should be considered and this then becomes part of the entity's ADA Transition Plan.

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# Achieving Access to Beaches



What standards should I apply to achieve access to beaches?



# The ADA & Recreational Facilities



## 2010 ADA Standards for Accessible Design Recreation Facilities (234 - 243)

[www.ada.gov](http://www.ada.gov)



- amusement rides (234)
- recreational boating facilities (235)
- exercise machines (236)
- fishing piers and platforms (237)
- golf facilities (238)
- miniature golf facilities (239)
- play areas (240)
- saunas and steam rooms (241)
- swimming pools, wading pools, and spas (242)
- shooting facilities with firing positions (243)



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## Program Accessibility Methods



- Flexibility is allowed in achieving program accessibility
- BUT the public entity must give priority to those methods that provide for the integration of people with disabilities.
- Key is to show a good faith effort to provide access for people with disabilities, even if the ADA technical standards do not directly address a certain element/feature.



## Architectural Barriers Act (ABA)



### Outdoor Developed Areas Final Rule

- Trails
- Picnic/Camping
- **Beach Access Routes**
- Viewing areas



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## About the ABA...



- The Architectural Barriers Act (ABA) requires access to facilities designed, built, altered, or leased with Federal funds.
- Passed by Congress in 1968, it marks one of the first efforts to ensure access to the built environment.
- The Access Board develops and maintains accessibility guidelines under this law.
- Anyone concerned about the accessibility of a facility that may have received Federal funds can file a complaint with the Board.

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## **From the U.S. Access Board: About the Standards for Outdoor Developed Areas**



“Achieving accessibility in outdoor environments has long been a source of inquiry due to challenges and constraints posed by terrain, the degree of development, construction practices and materials, and other factors.

The Board has issued requirements that are now part of the Architectural Barriers Act (ABA) Accessibility Standards and apply to national parks and other outdoor areas developed by the federal government. They do not apply to outdoor areas developed with federal grants or loans. A guide that explains these requirements also is available.”

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## From the U.S. Access Board: About the Standards for Outdoor Developed Areas



“The new provisions address access to trails, picnic and camping areas, viewing areas, **beach access routes** and other components of outdoor developed areas on federal sites when newly built or altered. They also provide exceptions for situations where terrain and other factors make compliance impracticable. The new requirements are located in sections F201.4, F216.3, F244 to F248, and 1011 to 1019 of the ABA Standards.

The Board intends to develop guidelines for non-federal outdoor sites covered by the Americans with Disabilities Act (ADA) and areas developed with federal grants and loans covered by the ABA through a subsequent rulemaking.”

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## ABA Covered

- Facilities constructed or altered by
  - Federal agencies
  - Non-federal entities constructing facilities on federal land on behalf of federal agencies e.g., a concession contract, partnership agreement, or similar arrangement

## ABA Not Covered



- Facilities subject to ADA
  - ABA facilities built or altered with Federal grants and loans (ABA)
-



**So if the ADA Standards do not address beach access routes, where should I go to find applicable requirements?**



- Under the ADA, **where no standards exist, remember that the general non-discrimination and program accessibility requirements for state and local governments still apply.**
- To determine the appropriateness of using beach access routes (in lieu of the 2010 ADA Standards for accessible route requirements) contact the U.S. Department of Justice (DOJ) at:

800 - 514 - 0301 (voice)

800 - 514 - 0383 (TTY)

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## Outdoor Developed Areas Final Rule Beach Access Routes



Where required –

The construction or alteration of any of the following facilities to serve the beach:

1. Circulation paths;
2. Parking facilities;
3. Toilet facilities; or
4. Bathing facilities

Exception limits the cost of the beach access route to no more than 20 percent of the cost of constructing or altering the facilities.

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## Conditional Exceptions



- Apply on a provision-by-provision basis
  - Where full compliance with a technical provision is not possible because of the limitations and constraints included in the conditional exceptions...
  - “extent practicable”
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## Outdoor Developed Areas Final Rule Beach Access Routes



- Permanent or removable
- Minimum number – at least one for each ½ mile of shoreline managed by the entity
  - Not required to exceed the number of pedestrian access points to a beach provided by the entity



## Outdoor Developed Areas Final Rule Beach Access Routes



- **Location.** Beach access routes shall coincide with or be located in the same area as pedestrian access points to the beach.
- *Pedestrian access points to a beach include parking facilities that serve beaches, dune crossings, and stairs or ramps leading from boardwalks to the beach.*

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## Outdoor Developed Areas Final Rule Beach Access Routes



- **Connections:** Beach access routes shall connect an entry point to the beach to the:
  - High tide level at tidal beaches;
  - Mean high water level at river beaches; or
  - Normal recreation water level at lake, pond, and reservoir beaches.
- **Surface:** The surface of beach access routes and their related resting intervals shall be **firm and stable**.
- **Clear Width:** The clear width of beach access routes shall be **60" minimum**.
- **Obstacles:** 1" maximum, except if surface is concrete, asphalt, or boards = ½" maximum



**Image Credit:**  
<http://www.americantrails.org/photoGalleries/cool/47images/16.jpg>



**Image Credit:**  
<http://www.americantrails.org/photoGalleries/cool/47images/18.jpg>

## Outdoor Developed Areas Final Rule Beach Access Routes



- **Running Slope:** The running slope of any segment of a beach access route shall not be steeper than 1:10. Where the running slope of a segment of a beach access route is steeper than 1:20, the maximum length of the segment shall comply with the Table below and a resting interval shall be provided at each end of the segment.

Running Slope		Maximum Length of Segment
Steeper than	But not Steeper than	
1:20	1:12	50 feet
1:12	1:10	30 feet

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## Outdoor Developed Areas Final Rule Beach Access Routes



- **Cross Slope:**
    - **Concrete, Asphalt, or Boards** - Where the surface is concrete, asphalt, or boards, the cross slope shall not be steeper than 1:48.
    - **Other Surfaces** - Where the surface is other than above, the cross slope on other surfaces shall not be steeper than 1:20.
  - **Resting Intervals:**
    - **Size:** Resting intervals shall be 60" by 60" minimum.
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## Outdoor Developed Areas Final Rule Beach Access Routes



- **Elevated Dune Crossings:** Where elevated dune crossings are part of beach access routes, handrails and edge protection shall be provided on the elevated dune crossings.

### EXCEPTIONS:

1. The clear width of elevated dune crossings shall be permitted to be reduced to 48" minimum.
  2. Elevated dune crossings shall not be required to comply with the requirements for Resting Intervals.
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## Outdoor Developed Areas Final Rule Beach Access Routes

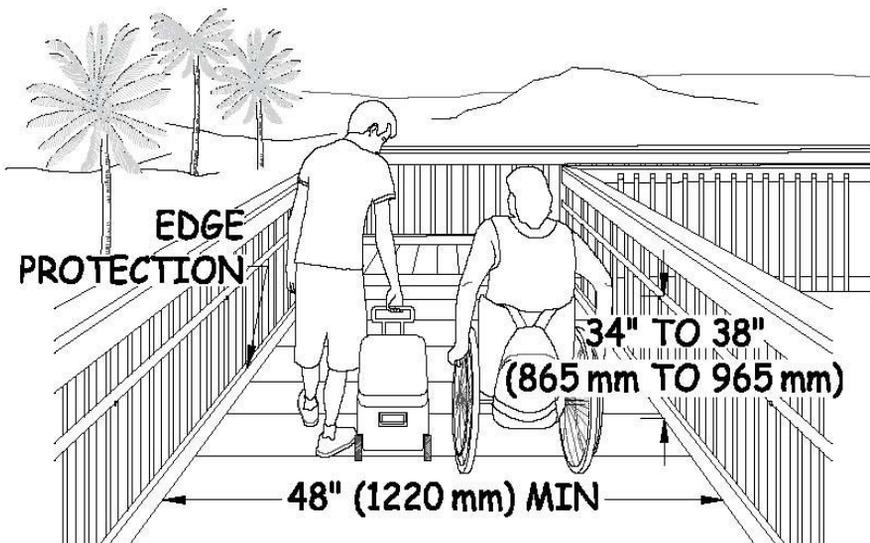


Figure 32—Minimum width and handrail height requirements for dune crossings.

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# Beach Wheelchairs



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## Other Considerations



The 2010 ADA Standards for Accessible Design apply to other features common to public beaches, including:

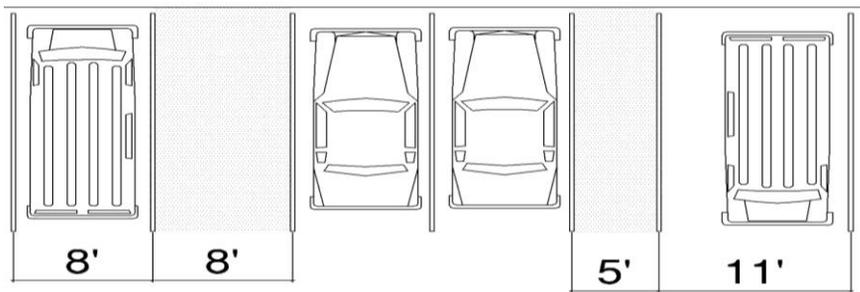
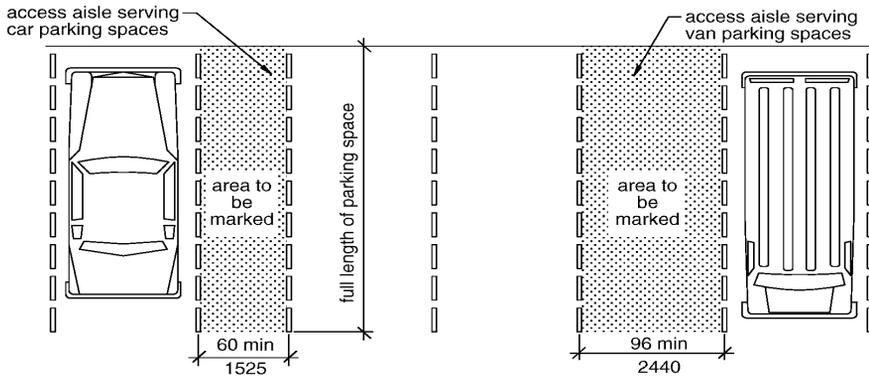
- Accessible Parking
- Toilet & Bathing Rooms
- Rinsing Showers
- Drinking Fountains
- Pavilions/Vendors
- Dining Areas

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## Accessible Parking Areas (2010 ADA Standards Section 502)



- Are the required number of accessible spaces provided?
- Are the spaces identified with International Symbol of Accessibility?
- Are the car accessible spaces at least 8 ft. wide with a 5 ft. wide (minimum) access aisle?
- Is at least one in every 6 spaces 8 ft. minimum wide with an adjacent 8 ft. minimum wide access aisle and 98 in. of vertical clearance provided for lift equipped vans? **OR** is at least 1 in 6 spaces 11 feet wide minimum with an adjacent 5 feet wide (minimum) access aisle?



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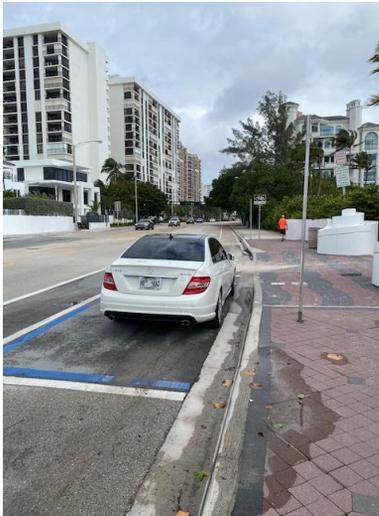
# Important!



Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance, or in the case of beaches, to the beach access route.



# Location of Accessible Parking



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# Toilet Facilities



- If provided.
  - Shall be accessible.



# Vendors & Concessions



## Consideration Points:

- Accessible Route
- Clear Floor Space
- Elements located within accessible reach ranges
- Offer Assistance



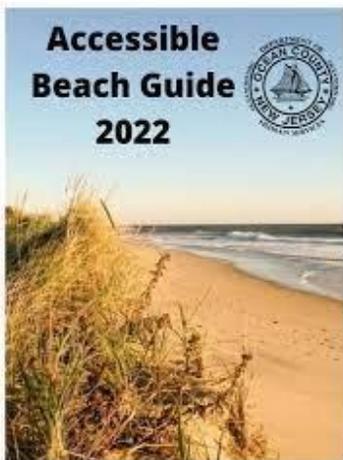
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# Event Planning



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## Promote Accessibility Features!



- Accessible Parking
  - Location of accessible routes to the beach
  - Are beach wheelchairs available? What type and how to access them
  - Toilet/bathing room information and location
  - Accessible Events?
  - Hours of Operation
  - Fees
  - Point of Contact – phone and/or email address
  - Staff Training
-



# Questions?



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## Resources



**U.S. Access Board – Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas**

<https://www.access-board.gov/files/aba/guides/outdoor-guide.pdf>

**ADA Checklist - Produced by the New England ADA Center - A Project of the Institute for Human Centered Design**

<http://www.adachecklist.org>

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## Resources



**Accessibility Guidebook for Outdoor Recreation and Trails**  
**National Forest Service**

<https://www.fs.usda.gov/sites/default/files/Accessibility-Guide-Book.pdf>

**U.S. Department of Justice**

[www.ada.gov](http://www.ada.gov)

800-514-0301 (voice)

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## Northeast ADA Center

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Local: **301-217-0124**

[ADAinfo@transcen.org](mailto:ADAinfo@transcen.org)

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the Child Welfare System](#)**