



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

15 JAN 1993

CECW-ON

MEMORANDUM FOR ALL MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS

SUBJECT: Universal Accessibility to Corps Recreation Facilities and Programs

1. The purpose of this memorandum is to provide information and guidance, available to date, regarding universal accessibility for persons with disabilities to the U.S. Army Corps of Engineers recreation facilities and programs.
2. The Corps responsibility to provide access to programs and activities for persons with disabilities is contained within the Rehabilitation Act of 1973 and its subsequent amendments, entitled the "Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978." This legislation has been interpreted and codified by various Code of Federal Regulations, Army Regulations, and Corps of Engineers design guidance. No Engineering Regulation prescribing comprehensive Corps policy for outdoor recreational facilities in this regard has been issued to date. A list of applicable references is provided at enclosure 1.
3. Design guidance for Corps recreation facilities and areas is contained within the "Uniform Federal Accessibility Standards" (UFAS), and EM 1110-1-400. (References 4.a through 4.c on enclosure 1.) The Forest Service is developing a "Design Guide for Accessible Outdoor Recreation", which specifically addresses outdoor recreation settings. This guidance has not been completed to date, although the Forest Service expects it will eventually be used as the design standard for the outdoor recreation environment.
4. With the passage of the Americans With Disabilities Act of 1990 (ADA) has come an increased emphasis on accommodating persons with disabilities in all public facilities and services. Although the requirements of ADA do not apply to the Corps, they do apply to the programs and facilities managed by State and local governments, the private sector, and to concessionaires on Corps lands. The act has also heightened public awareness of accessibility issues and provides for individual suit under the Civil Rights Act of 1964 for violations of the law.
5. Several legal opinions have been issued regarding the applicability of ADA to the Corps programs and facilities. Further, several memorandums providing relevant guidance on administration of leases have been issued by the Real Estate Directorate. Copies of these materials are provided at enclosure 2.

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6. Our North Pacific Division hosted a workshop in Portland, Oregon, on 4-6 August 1992, to discuss accessibility issues for the Corps recreation program. Representatives from the USDA Forest Service and the Bureau of Reclamation discussed the accessibility programs administered by their respective agencies. Representatives from Operations, Real Estate, Safety, and Engineering elements within the Corps discussed implications for the Corps recreation program and made recommendations for developing comprehensive, universal accessibility program for Corps managed recreation facilities and services.

7. The development and implementation of a comprehensive accessibility program will be a high priority for the Directorate of Civil Works in 1993. The current status of compliance must be determined, and an action plan for documenting and correcting deficiencies developed. Definitive guidance regarding program administration for both Corps operated and outgranted areas must be developed and distributed. Although accessibility for persons with disabilities is mandated by both Congress and responsible public service, the development of a reasonable accessibility program will be affected by limited funding resources and existing, competing program requirements.

8. The Natural Resources Management Branch has established a temporary assignment beginning in January 1993 to coordinate the development of a comprehensive accessibility program for the Corps recreation program. Those individuals who participated in the August 1992 workshop will be requested to assist directly in this effort. We may also request additional field assistance in the form of information and suggestions, individual expertise and experience, and policy and document review.

9. Until a comprehensive program is developed and established through Engineering Regulation or other formal document, please keep in mind the following:

a. The proper terminology is "persons with disabilities", not "handicapped persons". A handicap is something the environment places on a person with a disability. "Person" comes before "disability", whenever possible, to emphasize the importance of the person over the disability. We provide "accessible facilities" for "persons with disabilities", not "handicapped facilities" for the "handicapped".

b. Our obligation includes the provision of accessible programs, as well as accessible facilities. Our programs and

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facilities should be accessible to the greatest reasonable degree to persons with mobility, hearing, sight, and/or learning disabilities. For this reason, the preferred term is "universal accessibility".

c. In the interim, it is our policy to incorporate accessibility considerations in all planning, design, new construction or renovation activity. Any new facility design, such as restroom rehabilitation, should accommodate the disabled user. Any new recreation facilities purchased, such as picnic tables, should be universally accessible. Any new interpretive program should accommodate disabled users to the greatest reasonable extent.

d. We should be aware of public inquiries, compliments, and complaints regarding our provision of accessible facilities and programs, in order to determine existing demand and to monitor potentially litigious situations.

10. The point of contact in Natural Resources for this program is Ms. Judy Rice, (202)272-1796..

FOR THE COMMANDER:

2 Encls



STANLEY G. GENEGA  
Brigadier General (P), USA  
Director of Civil Works

## REFERENCES

### 1. Public Laws (P.L.s)

- a. P.L. 89-665, National Historic Preservation Act of 1966, Section 106, 16 USC 470 and 36 CFR Part 800.
- b. P.L. 90-480, Architectural Barriers Act of 1968, 42 USC 4151-4157.
- c. P.L. 93-112, Rehabilitation Act of 1973, Section 504, 29 USC 792.
- d. P.L. 93-516, Rehabilitation Act Amendments of 1974, Section 111 (a), 29 USC 706.
- e. P.L. 95-602, Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendment of 1978, Section 119, 29 USC 794.
- f. P.L. 101-336, Americans with Disabilities Act, 42 USC 12131, 12181-12189.

### 2. Code of Federal Regulations' (CFRs)

- a. "Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Executive Office of the President." 3 CFR Part 102, 53 FR 25879, July 8, 1988 and 55 FR 46037, Nov. 1, 1990.
- b. "Implementation of Executive Order 12250, Non-discrimination on the Basis of Handicap in Federally Assisted Programs," 28 CFR Part 41. (43 FR 2132), Jan. 13, 1978 as amended at 46 FR 40686, 40687, Aug. 11, 1981.
- c. "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," 32 CFR Part 56, 47 FR 15124, Apr. 8, 1982.

3. Army Regulations. AR 600-7, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army, 15 December 1983.

### 4. Design Standards.

- a. "Uniform Federal Accessibility Standards" (UFAS), 49 FR 31528, Aug. 7, 1984.
- b. "Architectural and Engineering Instructins, Design Criteria", Chapter 7, SUN-E, dated 9 December 1991.
- c. EM 1110-1-400, "Recreation Planning and Design Criteria", 31 July 1987.



REPLY TO  
ATTENTION OF:

CEMP-EA

4 March 1992

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: The Americans with Disabilities Act (ADA)

1. Since the enactment of the ADA (Public Law 101-336), HQUSACE has received many inquiries as to whether the Act applies to the federal government. Because of the inordinate number of inquiries and concerns about the Act, this memorandum has been prepared to inform you about the Act's applicability.
2. The Act is largely to extend the existing laws that apply to the federal government to the private sector. The Act is a civil rights issue in public accommodations and the workplace for persons with disabilities. Title I of the ADA addresses employment practices and employers' responsibilities to provide accessibility. Title II addresses buildings operated by state and local governments. Title III addresses accessibility of public accommodations with a reference to "Accessibility Guidelines for Buildings and Facilities" published in the Federal Register on 26 July 1991. However, these guidelines do not apply to federal facilities.
3. Under the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973 as amended, the Uniform Federal Accessibility Standards (UFAS) were developed. The UFAS were adopted by the Department of Defense in May 1985. Currently, the UFAS are published as FED-STD-795, dated 1 April 1988, and the federal government is required to comply with these standards.
4. The Assistant Secretary of the Army (IL&E) has determined, in coordination with the Army General Counsel, that the ADA does not apply to federal agencies, nor was that the intention of the Congress or the President when they passed and signed that legislation.

FOR THE DIRECTOR OF MILITARY PROGRAMS:

  
RICHARD C. ARMSTRONG, P.E.  
Chief, Engineering Division  
Directorate of Military Programs

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