



TRAILS FOR ALL

EXPANDING THE
ACCESSIBLE
TRAILS NETWORK IN THE
COMMONWEALTH

2026



APPENDIX A: CURRENT FEDERAL AND MASSACHUSETTS STATE REGULATIONS

FEDERAL REGULATIONS AND GUIDELINES

AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act of 1990 serves as the primary federal civil rights law prohibiting discrimination based on disability, defining disability as “a physical or mental impairment that substantially limits a major life activity.”¹ The ADA contains five main sections, with two particularly relevant to trail development:

Title II covers services and programs of state and local governments, including public transportation, recreation programs, courts, buildings, and employment.² This section requires that public entities make their programs accessible to people with disabilities through “program access.”

Title III addresses “public accommodations” and provides that no individual may be discriminated against on the basis of disability with regard to the full and equal enjoyment of facilities of any place of public accommodation operated by private entities whose operations affect commerce and fall within twelve particular categories (including, for example, places of exercise and recreation, public transportation, education, and lodging).³

2010 ADA Design Standards

The U.S. Department of Justice issued the 2010 ADA Design Standards as binding regulations for entities covered by Title II and Title III.⁴ These standards became mandatory for new construction and alterations as of March 15, 2012. The standards include technical specifications for various recreation-related amenities such as play fields, fishing piers,

1 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (1990).

2 Americans with Disabilities Act of 1990, Title II, 42 U.S.C. § 12131 et seq.

3 Americans with Disabilities Act of 1990, Title III, 42 U.S.C. § 12181 et seq.

4 U.S. Department of Justice, “2010 ADA Standards for Accessible Design,” 28 C.F.R. pt. 36 (2010).

boat slips, drinking fountains, play areas, swimming pools, and fixed picnic tables. These regulations also require Title II and Title III entities to provide accessible parking and an accessible route to connect users to accessible recreation-related facilities that are subject to the 2010 ADA Design Standards. For example, a trail that connects a parking area to a facility, or links two accessible facilities is generally treated as part of the accessible route and must comply with the relevant Department of Justice standards. The 2010 ADA Design Standards do not explicitly address trails used solely for recreational purposes such as hiking, however.⁵

OUTDOOR DEVELOPED AREAS ACCESSIBILITY GUIDELINES (OUTDOOR GUIDELINES)

In 2013, the U.S. Access Board issued the “Outdoor Developed Areas Accessibility Guidelines” under the Architectural Barriers Act (ABA), which governs accessibility of federal facilities.⁶ These guidelines became effective November 25, 2013, and include Chapter 1017 specifically addressing “Hiker and Pedestrian Trails.” The U.S. Department of Defense, General Services Administration, and U.S. Postal Service have adopted these guidelines as enforceable standards under the ABA.

The Outdoor Guidelines are legally binding only for:

- Federal land management agencies (such as the Fish and Wildlife Service, Army Corps of Engineers, and National Park Service)
- Non-federal private or public entities building trails on federal land or on behalf of federal agencies

The Outdoor Guidelines are NOT binding on organizations simply because they use federal funds or grants.⁷

These guidelines apply specifically to trails designed for hikers and pedestrians, not trails primarily designed for equestrians, mountain bicyclists, snowmobile users, or off-highway vehicle users.

5 U.S. Access Board, “Chapter 10: Outdoor Developed Areas,” accessed June 9, 2025, <https://www.access-board.gov/aba/guides/chapter-10-outdoor/>.

6 U.S. Access Board, “Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas,” Federal Register 78, no. 186 (September 26, 2013): 59132-59284.

7 Ibid.

FOREST SERVICE TRAIL ACCESSIBILITY GUIDELINES (FSTAG)

Development and Relationship to Other Standards

The Forest Service Trail Accessibility Guidelines (FSTAG) were originally developed in 2006 based on draft accessibility guidelines from the U.S. Access Board's regulatory negotiation committee, created before the final Outdoor Developed Areas Accessibility Guidelines (ODAAG) were completed in 2013.⁸

After ODAAG was finalized in 2013, both the Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG) and FSTAG were revised and streamlined, incorporating the applicable sections of ODAAG. FSORAG and FSTAG are now an equal or higher standard than ODAAG for trails and outdoor recreation facilities within the National Forest System.

Where FSTAG Applies

The 2013 FSTAG and FSORAG are the legally enforceable standards for facilities, trails, and features within the National Forest System. FSTAG applies to new or altered trails that are designed for pedestrian hiking and which connect directly to a trailhead or to another trail that currently complies with these guidelines. Specifically, FSTAG applies to trails in the National Forest System that meet all three criteria: (1) The trail is new or altered, (2) The trail has a "Designed Use" of "Hiker/Pedestrian" as defined in the Federal Trail Data Standards, and (3) The trail connects either directly to a trailhead or trail that meets most of the accessibility requirements.

Rather than mandating strict compliance, FSTAG establishes an aspirational framework that recognizes the inherent challenges of applying accessibility standards in natural settings. The core requirement under FSTAG is not to achieve perfect compliance, but to systematically analyze site conditions and document efforts to provide accessibility where feasible.

FSTAG explicitly recognizes that full compliance may not always be possible or appropriate. The guidelines include specific "conditions for departure" that allow deviation from technical requirements when:

- Compliance would fundamentally alter the function or purpose of the trail
- Compliance would require destruction of significant natural or cultural resources
- Terrain or environmental factors make compliance impracticable
- Compliance would require construction methods or materials inconsistent with trail sustainability

⁸ U.S. Forest Service, "Forest Service Trail Accessibility Guidelines (FSTAG)," 2013.

Unlike ADA requirements where non-compliance typically requires variances or legal justification, FSTAG includes built-in exceptions. An exception can only be used when a specific condition for departure exists. The goal is to maximize accessibility while preserving natural character, not to achieve accessibility at any cost.

When a trail meets FSTAG requirements (either through full compliance or properly documented departures), it can be designated as “FSTAG compliant.”

Applications Beyond the Forest Service

While FSTAG guidelines are legally binding only for the Forest Service, they have become widely used by other state and federal agencies, local governments and non-governmental organizations for trails and outdoor areas. In the absence of a more detailed rating system for trail accessibility, they offer users a general sense of whether a trail might be usable for their abilities and equipment.

OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD) REGULATIONS

State and local government entities and private organizations are subject to regulations governing the use of Other Power-Driven Mobility Devices on land considered a place of public accommodation.⁹ These regulations, effective March 2011, greatly expand the types of vehicular devices potentially allowed on trails - including electric mobility scooters, as well as golf carts, Segways, and even ATVs, when used by a person with a mobility disability. Unless organizations (both government agencies and private organizations) create specific policies limiting OPDMD use because of specific site conditions, all such vehicles must be allowed without restriction.

PUBLIC RIGHTS-OF-WAY ACCESSIBILITY GUIDELINES (PROWAG)

The U.S. Access Board published guidelines in 2023 (adopted in 2024)—Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)—which address the public right-of-way, including sidewalks and streets, crosswalks, curb ramps, pedestrian signals, on-street parking, and shared used paths.¹⁰

9 U.S. Department of Justice, “Revised ADA Requirements: Other Power-Driven Mobility Devices,” effective March 15, 2011.

10 U.S. Access Board, “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way,” 2023.

MASSACHUSETTS STATE REGULATIONS

Massachusetts currently has no universally adopted regulations that apply specifically to the development of outdoor trails on state, municipal, and private property.

MASSACHUSETTS ARCHITECTURAL ACCESS BOARD (AAB)

The Massachusetts Department of Public Safety regulates accessibility through its Architectural Access Board (AAB), established in 1975.¹¹ The AAB regulations (521 CMR) apply to specific facilities including parks, picnic areas, campsites, swimming pools, tennis courts, boat launches, beaches, piers, and others. These facilities are required to have compliant access routes. However, as of this writing, outdoor trails developed specifically and exclusively to provide access to natural features in the environment are not explicitly covered by the AAB regulations.

11 Massachusetts Architectural Access Board, 521 CMR. (Code of Massachusetts Regulations).