

**Gause, John P**

**From:** Gause, John P  
**Sent:** Friday, August 13, 2010 3:28 PM  
**To:** Ryan, Patricia  
**Subject:** FW:

Pat,

I spoke with the Access Board (Jim Pecht, Access Specialist) today about this case, and I have changed my mind about it.

Under the new construction provisions in the new and old ADAAG, the bridge would only need to be accessible if it were a part of an accessible route. An accessible route is required, in relevant part, as follows:

**OLD ADAAG**

4.1.2 (2) (a) At least one accessible route complying with 4.3 shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

**NEW ADAAG**

206.2.2 Within a Site. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

Because there is nothing (other than vegetation) on the island but a few trails, there are no "accessible building, accessible facilities, accessible elements, and accessible spaces" that require an accessible route to get to them. Neither the bridge nor the walking/hiking trails on the island need to be accessible by themselves because they do not fall within the listed categories in the ADAAG scoping requirements. *See* Chapter 2 (new ADAAG); 4.1.2, 4.1.3 (old ADAAG). The scoping requirements apply to things like drinking fountains, telephones, bathrooms, etc.

I now think we can tell Mr. \_\_\_\_\_ that he can build the bridge without violating the MHRA.

John

---

**From:** Gause, John P  
**Sent:** Monday, July 12, 2010 4:45 PM  
**To:** Ryan, Patricia  
**Subject:** RE:

Pat,

If it is open to the public, it needs to be accessible. If it is only for sheep to cross to the island, it does not need to be accessible because it could then be considered an "animal containment area."

A campground would be a place of public accommodation under the MHRA:

5 M.R.S.A. § 4553(8)(A)

An inn, hotel, motel or other place of lodging, whether conducted for the entertainment or accommodation of transient guests or those seeking health, recreation or rest

5 M.R.S.A. § 4553(8)(I)

8/26/2010

A park, zoo, amusement park, race course, skating rink, fair, bowling alley, golf course, golf club, country club, gymnasium, health spa, shooting gallery, billiard or pool parlor, swimming pool, seashore accommodation or boardwalk or other place of recreation, exercise or health

The MHRA requires that “[p]laces of . . . public accommodation and additions to those places constructed on or after January 1, 1996, must meet the standards of construction, including, but not limited to, the 5 parts of construction in paragraph B, subparagraph (2).” 5 M.R.S.A. § 4594-F(3)(A).

Section (B), subparagraph 2 requires, in part, compliance with ADAAG section 4.3 accessible routes. 5 M.R.S.A. § 4594-F(3)(B)(2)(a)(i).

ADAAG section 4.3 provides, in general, that “[a]ll walks, halls, corridors, aisles, skywalks, tunnels, and other spaces that are part of an accessible route shall comply with 4.3.”

I did not see any exceptions for a bridge.

There is an exception in ADAAG, however, for “animal containment areas that are not for public use.” ADAAG § 4.1.1(5)(b)(vi).

The new 2004 (not yet adopted ADAAG) similarly provides: “203.12 Animal Containment Areas. Animal containment areas that are not for public use shall not be required to comply with these requirements or to be on an accessible route.”

John

---

**From:** Ryan, Patricia  
**Sent:** Monday, July 12, 2010 1:36 PM  
**To:** Gause, John P  
**Subject:** FW:

This is the info on

Patricia E. Ryan, Executive Director  
 Maine Human Rights Commission  
 51 State House Station  
 Augusta ME 04330  
 (207) 624-6062  
 FAX: (207) 624-6063  
[patricia.ryan@maine.gov](mailto:patricia.ryan@maine.gov)

-----Original Message-----

**From:** [mailto:  
**Sent:** Monday, July 12, 2010 1:24 PM  
**To:** Ryan, Patricia  
**Subject:**

Patricia Ryan  
 Maine Human Rights Commission  
 Dear Ms Ryan

Thank you for your telephone conversation this morning. This letter is in response to your request for a brief description of my project, in order for your commission to render an opinion as to the need for handicapped accessibility.

8/26/2010

and is a small organization on the banks of the River in Maine. We have about 25 camp sites, and the vast majority of our business is a canoe/kayak rental business. We own in the middle of the river opposite the campground. It does not form part of the campground. It is approximately 50 acres. The island is heavily overgrown, only accessible by boat, full of poison ivy, and in flood way and flood plain. There are deer and beaver amongst other wildlife.

This year I put a small herd of goats on the island. In years past, the island has been used for agricultural purposes (our Chairman of the Board of Selectmen has happy memories of going out there to the family barn, which has long since washed away) so it seemed fitting to recreate something with such historical significance. A local farmer and I entered an agreement whereby he had the acreage for summer pasture free of charge, and he looked after the animals. So far, the experiment is working.

I am proposing building a simple suspension bridge out to the island from our campground which is on the main land. It will end up being two spans each one hundred feet plus. The concept is three suspended cables in a V configuration, perhaps with a narrow walkway to enable little feet to pass. We will use wire fencing between the top and bottom cables on either side both for safety reasons and stability. The bridge will have to be 1 foot above the hundred year high water level. It will need towers at each end and in the middle to accomplish this.

Such a bridge will make access to the island for animals much easier. There will be a gate at the island end. It will be used by our staff and by people staying in the campground to gain access to the island.

I have been through a lengthy Department of Environmental Protection application process, and have been granted a permit. (Letter dd April 2010 permit #L-24839-L6-A-N).

Is this privately owned and funded agricultural and limited recreational bridge *required* to be handicap accessible? If the answer to that is yes, then it will inevitably stop the project in its tracks. The engineer who has designed it sees no way from an engineering perspective to create a walkway to accommodate wheel chairs. The strength and stability of the bridge is inherent in the V design, which is seriously compromised if there are two strands of cable on the bottom carrying a wide walkway. Thus, the bridge would be seriously more expensive, and would certainly be beyond our limited means.

A reasonable accommodation does exist for those with handicaps. It is possible to get over the river by canoe or boat. We have a fleet of canoes, and I have in the past lashed two together to make accommodation for a wheelchair. We are constantly willing to do this!

Thank you for your help in this. I look forward to your response.