

This condition for departure is best illustrated by example. For instance, federally designated wilderness areas prohibit use of mechanized equipment. If accessibility requirements can't be met with handtools, this condition for departure will apply in wilderness areas.

This condition for departure also may apply in areas:

- Where imported materials, such as soil stabilizers, are prohibited to maintain the integrity of the natural ecosystem or historic resources
- Such as designated wetlands or coastal areas where construction methods and materials are strictly limited
- Where Federal statutes such as the Wilderness Act, Endangered Species Act, or State and local law impose restrictions to address environmental concerns
- Where water crossings are restricted to safeguard aquatic features that are protected under Federal or State laws.

Local law has been included in this condition for departure to address situations where conservation easements or development programs have prohibited or restricted construction methods and practices.

On the other hand, under the Americans with Disabilities Act, State and local governments can't enact laws whose sole purpose is to prohibit use by people with disabilities. Therefore, that sort of law can't serve as a basis for deviation from the technical provisions in the FSTAG. For example, a local regulation that arbitrarily limits trail width to a dimension that wouldn't allow wheelchairs or other assistive devices to access a trail is not a justification for deviation from FSTAG requirements under this condition for departure.

4—Where compliance would be impractical due to terrain or prevailing construction practices.

The phrase “would be impractical” in this condition for departure refers to something that is not reasonable, rather than to something that is technically infeasible. This condition for departure applies when the effort and resources required to comply would be disproportionately high relative to the level of access created.

Trail construction practices vary greatly, from reliance on volunteer labor with handtools to professional construction using heavy, mechanized equipment. For alterations of existing trails, *prevailing construction practices* means the methods typically used for work on the trail. For new trails, the land manager determines the construction practices to be used on each trail. However, the choice of construction practice is determined primarily by available resources, such as machinery and skilled operators, and environmental conditions, such as soil type and depth, vegetation, and slope.

The intent of this condition for departure is to ensure that compliance with the technical provisions of the FSTAG does not require the use of construction practices that are beyond the skills and resources of the organization building the trail. This condition for departure is not intended to exempt the trail from the technical provisions of the FSTAG simply because a trail builder's favored construction practice includes the use of a large mechanical roller rather than a smaller vibrating plate or “wacker” type compactor. A contractor's or designer's preference for the larger equipment is not a “feasibility” issue.

This condition also may apply where construction methods for particularly difficult terrain or an obstacle require the use of equipment or methods other than that typically used throughout the length of the trail. In an area where small equipment or handtools are normally used to minimize impact on a sensitive adjacent stream, blasting might be required to remove a rock outcropping. Because blasting is outside the range of typical equipment and methods used, this condition for departure would apply.