

Rules regarding the use of other power driven mobility devices in DNR facilities and lands

Minnesota Department of Natural Resources Interim Policy

Implementing U. S. Department of Justice (DOJ) Amendment to the American with Disabilities Act (ADA) Regulations Regarding the Use of Wheelchairs and Other Power Driven Mobility Devices 28 CFR part 35 www.ada.gov

Effective March 15, 2011

Purpose:

The purpose of this Interim Policy is to implement the DOJ regulations regarding the use of wheelchairs and other power driven mobility devices in Minnesota Department of Natural Resources (DNR) facilities and on DNR lands as set forth in 28 CFR part 35.

Wheelchair Definition and Use:

The DNR allows individuals with mobility disabilities to use wheelchairs as defined by the DOJ and manual-powered mobility aids such as walkers, crutches, canes, braces, or other similar devices in all DNR administered areas open to pedestrian use.

The DOJ defines a wheelchair as: a manual-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

Other Powered Mobility Device Definition and Use: The DNR is currently assessing potential classes of other power driven mobility devices (OPDMD) for use in DNR facilities and on DNR lands. These can include devices that are designed to operate in areas without defined pedestrian routes and can include devices such as a Segway®PT, electric-assisted bicycles, off highway vehicles and other devices. In accordance with the DOJ regulations, the DNR will assess the following factors:

- (i) size, weight, dimensions, and speed of the device;
- (ii) the facility's volume of pedestrian traffic;
- (iii) the facility's design and operational characteristics;
- (iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility or land; and
- (v) the potential for serious harm to environmental, natural and cultural resources.

Based on preliminary assessments and until a final policy is issued, effective March 15, 2011 OPDMD devices may be used by a person with a mobility disability in DNR facilities and lands as set forth below:

- **Paved and Aggregate Trails on DNR Lands:** Electric personal assistive mobility devices (e.g., Segways®), electric-assisted bicycles and the following electric-powered devices: foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability as a substitute for walking may be used by a person with a mobility disability on all paved and aggregate surfaced trails, and sidewalks and open picnic shelters. They shall be operated in a prudent and safe manner and in no case exceeding 15 miles per hour. These restrictions are to ensure safety on DNR trails and lands.

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- **Designated OHV Areas and Trails:** Off-highway vehicles (OHVs) such as all-terrain vehicles (ATVs), off-highway motorcycles (OHMs) and off-road vehicles (ORVs) are allowed on most state forest roads and on trails and areas designated for that use. While managed primarily for motorized recreation, most state OHV trails are also available for motorized bicycles and electric-assisted bicycles that are able to traverse surfaces with some protruding rocks, rutting and slopes of varying steepness and cross-slope. Users should use great caution operating devices in areas frequented by larger and faster vehicles, especially where there is not good visibility.
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- **Scientific and Natural Areas:** OPDMDs are not allowed in Scientific and Natural Areas except in defined parking lots and specifically designated paved or aggregate surfaced trails because of the risk of serious harm to natural resources.
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- **Wildlife and Aquatic Management Areas:** OPDMDs are not allowed in Wildlife and Aquatic Management Areas except in defined parking lots and specifically designated paved or aggregate surfaced trails because of the risk of serious harm to natural resources except in limited special circumstances where other motorized vehicles are allowed under state law.
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- **DNR Buildings:** OPDMDs, such as Segways®, are allowed in DNR buildings as long as they do not have combustion engines, are no wider than 32", and can be operated and stored safely. The OPDM must be operated in a particular building in a manner that does not compromise the safety of the user, pedestrians, the building occupants, or the facility infrastructure. At no time shall the OPDMD be operated at speeds greater than pedestrian traffic or 3 miles per hour whichever is less. Persons operating the OPDMD must be in control at all times, and shall take great care when entering or exiting an elevator and must stop to look for pedestrian traffic before turning corners. These restrictions are to ensure safety in DNR buildings.
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OPDMD Use Documentation and Enforcement:

Only persons with mobility disabilities are allowed to use an OPDMD in DNR facilities and on DNR land where the device would not normally be allowed under state law. To be eligible to use an OPDMD in DNR facilities and DNR lands where the device would not normally be allowed under state law, individuals must show a valid State-issued disability parking placard or card, or State-issued proof of disability or make a verbal representation of mobility disability not contradicted by facts observed. If the person does not have written documentation with them, the verbal representation described above is sufficient. A person using the OPDMD may not be asked questions about the nature and extent of the person's disability. Consistent with the terms of this Interim Policy, the DNR shall waive enforcement of its laws and regulations against use of OPDMDs in DNR facilities and lands where they would not normally be allowed provided the person using the device complies with this Interim Policy.

Special Circumstances Permission:

Except as set forth above, the use of OPDMDs in DNR facilities or on DNR lands is prohibited. In special circumstances, the DNR may issue a permit to use an OPDMD in areas prohibited if it determines that a unique situation applies and special conditions can be placed on the use that would make it safe to operate the OPDMD or prevent serious

harm to the environment or natural or cultural resources. In these situations, special circumstances permission should be requested 7 days in advance of arrival date if possible to ensure adequate time to process. Special circumstances permission may be requested by contacting the DNR Information Center at info.dnr@state.mn.us or by phone at 651-296-6157 or 888-646-6367.

Complaint and Appeal Process:

Submit an appeal in writing to the DNR Accessibility Coordinator, Jason H. Peterson, Management Resources, 500 Lafayette Road St. Paul Minnesota 55155 at email address Jason.H.Peterson@state.mn.us