



Massachusetts Office on Disability

One Ashburton Place, Room 1305
Boston, MA 02108

Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Myra Berloff, Director

617-727-7440 voice & TTY
800-322-2020 voice & TTY
617-727-0965 FAX
Web: <http://www.mass.gov/mod>

TO: Agency Heads, ADA Coordinators
FROM: Myra Berloff, Director
DATE: May 20, 2011
Re: Segway and Other Power Driven Mobility Devices Policy

The following policy guidance, developed in conjunction with BSB and DCAM, is being sent to you so you will all know how to respond should a person with a disability enter your building using a Segway or other power-driven mobility device.

Please feel free to contact the Massachusetts Office on Disability should you need additional information.

Policy on the Use of Segways and Other Power-Driven Mobility Devices by Individuals with Mobility Impairments in Commonwealth-Controlled Facilities

Purpose:

Changes to U.S. Department of Justice regulations that enforce the Americans with Disabilities Act, effective March 15, 2011, include protections for people with disabilities who use "power-driven mobility devices" other than wheelchairs. The Commonwealth recognizes that some persons with mobility impairments are utilizing the Segway® Personal Transporter (Segway) and similar devices as their preferred mobility device. The Commonwealth is committed to making all reasonable efforts to make its facilities accessible to persons with disabilities.

To that end, the following policy is issued to permit individuals with mobility impairments to use these devices in state buildings under the Commonwealth's jurisdiction, custody or control, including those buildings delegated to the various state agencies by the Bureau of State Office Building (BSB) or the Division of Capital Asset Management (DCAM).

The following policy is designed to facilitate the safe integration of these mobility devices into the state workplace and public facilities.

Leased facilities:

This policy does not cover privately-owned leased buildings. The use of Segways® and other power-driven mobility devices in leased locations should be negotiated with the building lessor.

General:

No alterations or modifications should be required for Segways® or other power-driven mobility devices to enter The Commonwealth-controlled buildings. The Commonwealth will continue to comply with the building accessibility standards identified in 521 C.M.R. as well as relevant federal standards included but not limited to 28 C.F.R. § 35.

Definition of Segway and Scope of Policy

A Segway® is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device. Additional information on this device is available at the following link: <http://www.segway.com>. This policy applies not only to the brand name Segwaye, but also to any similar device that is being used as a mobility aid by an individual with a mobility impairment. This policy does not cover motorcycles, mopeds, tricycles, bicycles (whether or not motor-powered), or other similar devices not permitted to be operated in state buildings.

An Other Power-Driven Mobility Device is any mobility device, powered by batteries, fuel, or other engines, whether or not designed for use by a person with a mobility disability that is used by an individual with a disability for the purpose of locomotion.¹

For purposes of this policy, an "individual with a mobility impairment" means any person who is subject to any physical impairment or condition regardless of its cause, nature or extent that renders the person unable, or significantly limited in the ability, to move about without the aid of crutches, a wheelchair or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, or rise, or to perform any related function.

Applicability

Individual with a Mobility Impairment - An individual with a mobility impairment is permitted to operate a Segway in a state building under the jurisdiction, custody or control of the Commonwealth in any areas open to pedestrian use.

¹ 28 C.F.R. §35.104.

Safety

The Segway must be operated in a manner that does not compromise the safety of the user, the building occupants or the building infrastructure. Those individuals operating a Segway within a state building must remain in control at all times and must exercise caution when turning corners and entering or exiting elevators. The Commonwealth requires users to operate their Segway at a speed no greater than a walking pace of three (3) miles per hour. Security personnel, as well as The Commonwealth personnel and other agency personnel in delegated buildings, shall monitor, to the extent practical, the safe and responsible operation of Segway devices by their users. Should security or building management personnel observe the unsafe operation of a Segway device, these individuals shall remind the user of their responsibility for the safe operation of the Segway and the user's accountability for not operating the device at a speed that exceeds three (3) miles per hour.

Persistent violations of the 3 mile per hour limit or where misuse of a Segway results in significant damage to person or property will result in revocation of the privilege to use a Segway® in state facilities.

Other power-driven mobility devices will not be allowed in state buildings and other enclosed structures where the device emits exhaust or other noxious fumes.

Other restrictions

Other restrictions on the use of Segways® or other power-driven mobility devices may be imposed at particular buildings and facilities with the specific written consent of the Massachusetts Office on Disability, when special circumstances or conditions warrant such restrictions. Such circumstances or conditions might include but not be limited to:

1. Historic buildings where the maneuvering space is very limited.
2. Display areas where space is limited and the items on display are unique, delicate and irreplaceable.

Where further limitations are imposed under this section, they will be posted at all entrances to the building or facility, and to the maximum extent feasible alternative methods of experiencing the facility will be provided to members of the public who have mobility disabilities and seek to use the programs activities or services offered in the building or facility.

Facility Access where controlled by screening devices

Magnetometer and X-ray security screening devices are ineffective for the evaluation of Segways. Segway representatives have reported that magnetometer devices affect the operation and software programs of the transporter device when coming in contact with or close proximity to magnetic fields. Accordingly, Segway recommends that the transporter device not be operated within five (5) feet of any magnetometer or X-ray security screening device. If within five (5) feet of a magnetometer or X-ray security

screening device, the user of the transporter device should place the unit in standby mode or powered off mode to prevent damage to the transporter device.

The Commonwealth and associated building security personnel reserve the right to inspect Segway devices upon entrance to a state building or facility. Upon entering a state building or facility under the jurisdiction, custody or control of the Commonwealth, security personnel shall notify the individual that only those persons with a mobility impairment are authorized to operate such devices within the building. **The security personnel may not ask a person using the device questions about the nature and extent of the person's disability.** Security personnel shall inspect Segways in the same manner as other power-driven mobility devices that enter the building, including power wheelchairs and scooters. Security personnel may request that the user demonstrate that the device is operational thereby ensuring that the device contains its propulsion and battery equipment. The Segway user will be subject to the appropriate screening protocols established by security personnel for the protection of occupants, visitors and facilities, while maintaining the dignity of all persons who enter the building.

Vertical Transportation

Segway devices are permitted on elevators, but are not permitted on escalators, as per manufacturer guidance.

Other power-driven mobility devices will not be allowed on escalators under any circumstances. Their use in elevators is limited to the extent the device and rider exceeds elevator manufactures recommended weight limitations.

Dispute resolution

Any dispute arising out of the use of a Segway or other power-driven mobility device will be resolved using the procedures established for reasonable accommodations for employees or for readily achievable modifications for members of the public.