



connections

*The newsletter of the Massachusetts
Greenways and Trails Program*

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Making Public Trails Accessible

New rules for "other power-driven mobility device"

Outdoor enthusiasts with mobility disabilities often have limited access to outdoor recreational trail opportunities. A new Americans with Disabilities Act (ADA) ruling from the U.S. Department of Justice (DOJ) promises to make access to public trails more available to people with mobility disabilities.

This ruling, which went into effect on March 15, 2011 after over a year of consideration and public comment, requires first that that public and private land managers permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids **in any areas open to pedestrian use**. Second it requires that land managers shall make reasonable modifications in policies, practices, or procedures to **permit the use of other power-driven mobility devices** by individuals with mobility disabilities on trails that allow pedestrian use.



OMG! What is an OPDMD?

Other power-driven mobility devices (OPDMDs) include ANY mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion. This includes golf cars, ATVs, the Segway® PT, Jeeps, and just about anything else you could think of.

Land managers must allow for use of these devices unless they can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements based on an assessment that can consider five assessment factors.

Ruling Assessment Factors:

- i) The type, size, weight, dimensions, and speed of the device
- ii) The facility's volume of pedestrian traffic (which may vary at different times)
- iii) The facility's design and operational characteristics
- iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device
- v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources



Massachusetts land management agencies, from the Department of Conservation and Recreation (DCR) to Mass Audubon to The Trustees to local land trusts will be working over the next few weeks to modify their policies, procedures and practices to comply with this ruling.

DCR is committed to providing access to public recreational trails and natural areas to people with mobility disabilities. It is important to remember that *"The spirit of the law is to prevent discrimination!"*

Workshop for Massachusetts Land Managers

Are your trails or facilities "OPDMD"-ready?

Learn about the new ADA rules for access to public trails

Please join us for a FREE forum for land-owning organizations with trails or facilities that are open to the public. Led by staff of the Mass. Department of Conservation and Recreation and The Trustees of Reservations

Date: Thursday, April 28, 2011

Time: 9:30: Registration, refreshments

10:00 – 12:00: Program

Location: The Doyle Center, 464 Abbott Ave., Leominster, MA

To register: sign up at www.thetrustees.org/ada or call Rose at 781.784.0567 x7515

Tips and Tools (Mattock and McLeod)

The American Trails web site has a host of resources, questions and answers, links on the DOJ OPDMD ruling at <http://www.americantrails.org/resources/accessible/index.html>.

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Please forward to others who might be interested in Massachusetts Greenways and Trails.



Connections is the electronic newsletter from the Department of Conservation and Recreation's Greenways and Trails Program,

Paul Jahnige, Director

136 Damon Road

Northampton, MA 01060

(413) 586-8706 ext. 20

paul.jahnige@state.ma.us

www.mass.gov/dcr/stewardship/greenway/index.htm

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