

PO011-003 OPDMD USE - DEPARTMENT MANAGED RECREATION FACILITIES AND TRAILS**DISCUSSION**

The Washington State Department of Natural Resources (DNR) manages approximately three million acres of state trust lands to generate revenue for the trust beneficiaries, now and in perpetuity, to benefit the people of Washington. These lands are also managed to provide fish and wildlife habitat, clean and abundant water, and public access to outdoor recreation.

The Multiple Use Act of 1971 (RCW 79.10) authorizes and directs DNR to provide public access and recreation opportunities, including the construction, operation, and maintenance of primitive outdoor recreation facilities, where compatible with trust management objectives.

On March 15, 2011, the Americans with Disabilities Act (ADA) was amended by rule (28 Code of Federal Regulations (CFR) Part 35) to include the use of power-driven mobility devices, other than wheelchairs, by individuals with mobility disabilities.

The ADA rule requires DNR to make reasonable modification to its policies, practices or procedures to allow the use of other power-driven mobility devices (OPDMDs) by individuals with mobility disabilities, unless DNR can demonstrate that the OPDMD cannot be operated in accordance with legitimate safety requirements necessary for the safe operation of DNR services, programs or activities.

Assessment Factors:

In determining whether a particular OPDMD can be allowed on a specific DNR recreation facility or recreation trail as a reasonable modification, DNR shall consider the following assessment factors:

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The facility's or trail's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) The facility's or trail's design and operational characteristics (*e.g.*, whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (iv) Whether legitimate safety requirements can be established to allow the safe operation of the OPDMD in the specific facility (or trail); and

PO011-003 OPDMD USE - DEPARTMENT MANAGED RECREATION FACILITIES AND TRAILS

(v) Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with State or Federal land management laws and regulations.

Definitions:

Wheelchair: Means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of both indoor and outdoor locomotion. (28 CFR 35.104)

Other power-driven mobility device (OPDMD): Means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the definition of “wheelchair” described above. (28 CFR 35.104)

Recreation Facility: Means a designated and developed outdoor structure or area specifically managed to support outdoor recreation activities. Examples of recreation facilities on DNR-managed lands include trailheads, campgrounds, day-use areas, developed view points, and water-access sites.

Recreation Trail: Means a designated recreation path or walkway on DNR-managed land that is constructed and managed by DNR primarily for and open to pedestrians, equestrians, bicyclists, off-road vehicles, or any combination thereof, other than a sidewalk as constructed as part of a managed road for motor vehicles.

POLICY

DNR is committed to making reasonable accommodations to ensure that its outdoor recreation facilities, trails, programs, and services are available and accessible to persons with disabilities.

DNR shall allow individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, including walkers, crutches, canes, braces, or similar devices in any recreation area open to pedestrians.

The use of OPDMDs on DNR-managed recreation trails and recreation facilities is limited to individuals with mobility disabilities.

PO011-003 OPDMD USE - DEPARTMENT MANAGED RECREATION FACILITIES AND TRAILS

DNR will maintain an “*OPDMD Allowed Uses and Operating Requirements*” document, supplemental to this policy, which provides information for the use of OPDMDs at DNR-managed recreation facilities and on recreation trails.

Individuals with mobility disabilities may use OPDMDs at DNR-managed recreation facilities and on recreation trails in accordance with the “*OPDMD Allowed Uses and Operating Requirements*” document.

OPDMDs may be prohibited on selected recreation trails based on site specific conditions. The statewide list of trails that prohibit OPDMD use will be incorporated into the “*OPDMD Allowed Uses and Operating Requirements*” document, and maintained on the recreation webpage.

An individual wishing to operate a specified OPDMD on a recreation trail that is not an Allowed Use may request a device-specific trail audit. The device-specific trail audit will consider the five assessment factors with regard to the specific recreation trail to determine if a unique situation applies or special conditions can be placed on the use of the specified OPDMD to allow the use.

As technology advances and new devices are developed, public use patterns changes, and impacts to natural and cultural resources are reevaluated, this policy and the “*OPDMD Allowed Uses and Operating Requirements*” document may be modified to address the types of OPDMDs allowed on specific recreation trails and at recreation facilities as necessary.

IMPLEMENTATION

Region Managers or their designees are responsible for overseeing implementation of this policy on the recreation lands within their assigned regions.

The Statewide Recreation Program Manager or their designee will review all device-specific trail audits and make a determination within seven (7) business days.

Region Managers or their designees are responsible for identifying recreation trails within their assigned regions where the use of OPDMDs is prohibited, and providing that list of trails to the Statewide Recreation Program Manager in Olympia. Region Managers or their designees will notify the Statewide Recreation Program Manager whenever a new trail or trails are identified that will prohibit OPDMD use. Updates will be made annually.

Date: September 18, 2014

Page 4 of 4

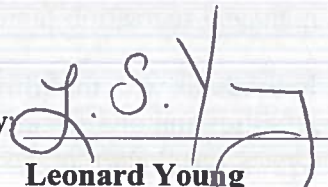
PO011-003 OPDMD USE - DEPARTMENT MANAGED RECREATION FACILITIES AND TRAILS

The Statewide Recreation Program Manager is responsible for posting the “*OPDMD Allowed Uses and Operating Requirements*” document on the recreation webpage, and updating as appropriate.

Approved:

10 / 23 / 14

Approved by


Leonard Young
Department Supervisor

SEE ALSO

28 CFR 35.104
28 CFR 35.137
79.10 RCW