



Americans with Disabilities Act (ADA) Accessibility Guidelines for Western Pennsylvania Conservancy Lands and Trails

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I. Purpose

The purpose of these guidelines is to implement the Department of Justice's (DOJ) regulations that are focused on the use of wheelchairs and other power-driven mobility devices (OPDMD) for outdoor activities on Western Pennsylvania Conservancy (WPC) lands, as set forth in 28 CFR Part 35. These guidelines are not meant to address access to WPC indoor facilities and buildings.

The DOJ has amended the Department's title II regulation, 28 CFR Part 35, and the title III regulation, 28 CFR Part 36; the final rules and revisions went into effect on March 15, 2011. The revisions, including the definitions of wheelchairs and OPDMDs, have the potential to impact the accessibility of lands and trail systems under the ownership of WPC. Access to trails and the use of devices as set forth below is limited to individuals with mobility disabilities. These guidelines do not authorize the use of these devices by others.

For more information related to general visitation to WPC properties, please refer to the WPC **Guidelines for Public Use of WPC Preserves**, which can be found on the Conservancy's website, <http://waterlandlife.org>. Questions concerning access to indoor facilities and buildings should be referred to Western Pennsylvania Conservancy, 800 Waterfront Dr., Pittsburgh, PA 15222; 1-866-564-6972 (toll-free); or info@paconserve.org.

II. Definitions

Electric-powered mobility device: Any mobility device powered by batteries, including multiple passenger carts (three or four wheels), Electronic Personal Assistance Mobility Devices (EPAMDs - such as the Segway PT), battery-powered bikes (two or three wheels), and single passenger scooters (three or four wheels).

Gas-powered mobility device: Any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or biofuel, or combination thereof, including all-terrain vehicles (ATVs), carts (three or four wheels), off-road bikes (two or three wheels), motor scooters (two or three wheels), motor cycles (two wheels), tractors, snowmobiles, amphibious craft, trucks and cars (four wheels).

Inline wheel device: A two-wheeled mobility device where the wheel direction of travel is aligned along the same plane.

Maintained Land: All real property owned by WPC that is managed in a relatively natural state, and that contains designated and maintained trails. These trails are clearly indicated on WPC-produced maps of the property, and are blazed or otherwise marked on the ground.

Manual-powered mobility aid: Devices such as wheelchairs, scooters, walkers, crutches, canes, or braces designed for use by individuals with mobility impairments in any areas open to pedestrian use.

Other power-driven mobility device (OPDMD): 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 Mobility 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 meaning of this section.

Tandem wheel device: A two, three, or four-wheeled mobility device where the wheel alignment is parallel along one or more axles.

Unmaintained Land: All real property owned by WPC that is undeveloped and managed in a relatively natural state. This term excludes those properties with designated and maintained trails.

Wheelchair: A manually-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.

III. WPC Land and Trail Assessment

Assessment Process

Western Pennsylvania Conservancy staff has conducted a comprehensive assessment of its properties, focusing especially on those with maintained trails or trail systems located within them. The assessment process was based on DOJ guidelines (see: *DOJ Assessment Factors* below), and its aims were to determine whether particular devices can be used to access the land and, if applicable, the trails on WPC lands. Trails on WPC lands can be categorized into three different types; and specific limitations and justifications can be found below, under *Trail Categories*.

DOJ 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 of the day, week, month, or year);

- iii. The facility's design and operational characteristics (e.g., whether its business 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 permit the safe operation of the other power-driven mobility device in the specific facility;
- 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, or poses a conflict with Federal land management laws and regulations.

Use of Gas-Powered Mobility Devices Statement

Gas-powered mobility devices are not permitted on WPC Unmaintained Lands, Maintained Lands, or trails, with the exception of pre-approved management use or emergency access purposes.

DOJ Assessment Factors:

Justification: § 35.137 Mobility Devices Assessment Factors iv and v.

Western Pennsylvania Conservancy lands and trails contain important conservation values that are managed to provide our region with clean waters and healthy forests, wildlife and natural areas for the benefit of present and future generations. The exclusion of gas-powered mobility devices, as compared to electric-powered mobility devices, is due to the substantial risk of harm to these values. This harm may result from fire caused by the heat of the gas-fired engine, spill of fuel or oil used in gas, and/or engine exhaust. In addition, the engine noise of gas-powered vehicles produces a significant zone of disturbance to the activities of wildlife, and can negatively impact the experience of visitors who count on viewing wildlife and listening to bird calls. Furthermore, the noise from gas-powered mobility devices poses a health risk to adjacent visitors when it exceeds 70 dB. The World Health Organization has set 70 dB as a maximum safe noise level in the work place. Most gas-powered vehicles, such as ATVs and gas-driven motor bikes, exceed this noise level. Additionally, the byproducts of combustion created by gas-powered engines pose a significant air quality risk to wildlife and vegetation, and also to other trail users. For more information on permitted and prohibited activities on WPC properties, please refer to the **Guidelines for Public Use of WPC Preserves**.

Unmaintained Lands

No OPDMDs of any kind, including EPAMDs, are permitted on Unmaintained Lands. Western Pennsylvania Conservancy 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 on all Unmaintained Lands that are open to pedestrian use. Please note, however, that Unmaintained Lands are undeveloped, without designated and maintained trails, and are often difficult to access by manual-powered mobility aids. See also, *Waiver Statement*, below.

Maintained Lands

Trail Categories

Paved/Crushed Gravel Trails: Multi-use trail with shoulder.

Permissible: Wheelchairs and electric-powered mobility devices not to exceed a 36-inch

maximum width. Examples can be found at Fallingwater, located within Bear Run Nature Reserve; West Branch French Creek Conservation Area; Lake Pleasant Conservation Area; and Toms Run Nature Reserve.

DOJ Assessment Factors:

Justification: § 35.137 Mobility Devices Assessment Factors i and ii.

Size and width characteristics of the device could pose safety risks to the device-user and other trail users based on the high volume of pedestrian traffic commonly found on such trails. These trails are high capacity two-way traffic areas, where a device width restriction allows for safe passing of OPDMDs and other trail users.

Multi-use Service Trail: Unpaved road, typically no greater than 6 feet in width.

Permissible: Wheelchairs and electric-powered mobility devices not to exceed a 36-inch maximum width. Individuals interested in using an OPDMD on a WPC *multi-use service trail* should contact the WPC Stewardship program for more information (contact information found below). Examples can be found at Bear Run Nature Reserve and Bennett Branch Forest.

DOJ Assessment Factors:

Justification: § 35.137 Mobility Devices Assessment Factors i, iv and v.

The size, weight, and width characteristics of the device create a substantial risk of serious harm to the environment or natural resources. In the event of two-way traffic, when an OPDMD must temporarily move off trail, the device has the potential to crush trail-side vegetation, contribute to erosion, create ruts on and off the trail, and inappropriately expand the trail corridor. These trails are typically wide enough for one-way vehicle traffic; the 36-inch width restriction allows for the safe passing of mobility devices and pedestrians on unpaved multi-use service trails.

Pedestrian Single Track Trail: Unpaved, narrow-gauge trail suitable for foot-traffic only. This type of trail is for natural areas where environmental or topographic constraints require no user impact to natural resources. No OPDMDs of any kind, including EPAMDs, are permitted on these trails. Examples of this type of trail can be found at Bear Run Nature Reserve, West Branch French Creek Conservation Area, Wolf Creek Narrows Natural Area, and Toms Run Nature Reserve.

DOJ Assessment Factors:

Justification: § 35.137 Mobility Devices Assessment Factors i, ii, iv, and v.

Characteristics of the device create a substantial risk of serious harm to trail users on this type of trail, as well as to the environment or natural resources. These are narrow trails where two-way traffic would require pedestrians to step off the trail and harm natural resources when allowing passage of OPDMDs. An OPDMD has the potential to damage the structural integrity of such a trail, especially in wet weather, by causing ruts, compacting the soil, and contributing to further erosion. In the event of two-way traffic, when an OPDMD must temporarily move off trail, the device has the potential to crush trail-side vegetation and inappropriately expand the trail corridor. Additionally, much of the trail tread may be uneven, and the trail grade steeply sloped or narrower than 36 inches in some places, and may pose safety issues to trail users if accessed by OPDMDs. It is recommended that permitted trail users stay within the authorized trail

footprint to avoid serious harm to natural resources.

Speed Limits on WPC Lands and Trails

For safety purposes, and in consideration of public enjoyment within WPC properties, all WPC lands and trails have a maximum speed limit of 12 mph. Trail users operating any of the above-mentioned devices must observe this speed limit at all times and must yield to oncoming hikers. Please note that trail surfaces may be uneven, steeply sloped, or narrower than 36 inches in some places.

Safety Statement

Users of an OPDMD or wheelchair must operate the device in a safe manner considering the condition of the trail and the other users traveling on the trail. Additionally, all OPDMDs must stay on designated trails at all times; exceptions can be made when crossing turf areas to leave or rejoin a trail (assessment factors i-v inclusive).

Waiver Statement

The adoption of these guidelines does not represent an endorsement that WPC trails or properties are safe for the use of an OPDMD or wheelchair. Users must exercise reasonable caution and care while operating such devices within WPC lands and trail systems. As with any outdoor activity, there are inherent risks associated with hiking and trail-walking. All individuals who enter upon WPC's trails and Unmaintained Lands do so at their own risk.

Validation of Mobility Disability

Individuals who have a mobility disability may show a valid State-issued disability card/placard, or other State-issued proof of disability, or they may state that they are using the mobility device due to a mobility disability. Conservancy staff may not ask about the nature and extent of the individual's disability. Furthermore, the rule states that the claim of a mobility disability must be considered valid as long as it is not contradicted by observable fact.

Public Notification

If you have any questions regarding the ADA ruling and how it applies to WPC preserves, or the accessibility of WPC lands and trails, please contact Andrew Zadnik of WPC's Land Stewardship program at: 412-586-2318.

Western Pennsylvania Conservancy will post the above guidelines on our website, <https://waterlandlife.org/>, and the guidelines can be requested in print or digital form by contacting Andrew Zadnik, Director of Land Stewardship, at 412-586-2318 or azadnik@paconserve.org.

IV. Additional Resources

- Department of Justice ADA Ruling: [DOJ ADA Website](#)
- American Trails index on ADA-related topics: [accessible trails, outdoor recreation, and the Americans with Disabilities Act](#)

- Additional information and comments on “power-driven mobility devices”:
 - [Comments from American Trails to Department of Justice](#)
 - [Concerns with DOJ proposal for "power-driven mobility devices"](#)
 - [Comments favoring allowing Segway use as mobility assistive devices](#)
 - [Hikers concerned about potential for ATVs gaining free access to backcountry areas](#)

References

Accessible Trails; American Trails;

<http://www.americantrails.org/resources/accessible/powermobilityquestions.html>

Americans with Disabilities Act Title II Regulations: Nondiscrimination on the Basis of Disability in State and Local Government Services. Department of Justice. 2010, September 15.

Department of Justice. Revised ADA Regulations: Implementing Title II and Title III. 2011, May 9. <http://www.ada.gov/regs2010/ADAregs2010.htm>

Lancaster County Parks Department;

<http://www.americantrails.org/resources/accessible/Lancaster-County-PA-policy-OPDMD.html>

Minnesota DNR; http://www.dnr.state.mn.us/accessible_outdoors/policycfr35.html

Orange County Parks; <http://www.americantrails.org/resources/accessible/Orange-County-Parks-policy-OPDMD.html>

West Penn Trail Handicapped Accessibility Policy; Conemaugh Valley Conservancy;
www.conemaughvalleyconservancy.org