

Commonwealth of Pennsylvania
Department of Conservation and Natural Resources
Policy on Use of Powered Mobility Devices by Persons with Disabilities
On State Park and State Forest Property

Purpose

This policy was developed using the “Guidance for Pennsylvania Department of Conservation and Natural Resources to Develop a Policy on Powered Mobility Devices on DCNR Property Pursuant to Federal Department of Justice Regulations, 28 CFR Part 35.” The policy explains how visitors with mobility disabilities may request permission to use a powered mobility device on state park and state forest property and where on the property they may be permitted to use the device.

As stated in the “Guidance”, park managers and district foresters may develop supplemental policies as needed to adapt this policy to their respective state parks and forest districts. The supplemental policy may add and/or remove restrictions as to certain *mobility devices* and/or *facilities*.

Definitions

Disability: An individual’s physical or mental impairment that substantially limits one or more of the individual’s major life activities.

Facility: All or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

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. Note that in addition to electric wheelchairs, electric scooters (such as those with front baskets that are used in supermarkets) are “wheelchairs” under this definition.

Mobility device: A device, other than a *wheelchair*, powered by a battery, fuel, or other engine, that is used by persons with a mobility *disability* for the purpose of locomotion. The term includes golf carts, Segways, and any other *mobility device* designed to operate in areas without defined pedestrian routes, regardless of whether it is designed primarily for use by persons with a mobility *disability*.

Passengers

A passenger is permitted on a mobility device only if all of the following conditions are met:

- The device is designed to carry a passenger.

- The person with a mobility disability is incapable of operating the device.
- Another person operates the device and the person with disability rides as a passenger.
- There are no other passengers.

Wheelchairs

Wheelchairs may be used wherever pedestrians are allowed.

Operating rules

- Mobility devices permitted under this policy shall be operated in a prudent and safe manner.
- Mobility devices permitted outdoors shall be operated no faster than three miles an hour.
- Mobility devices permitted in buildings and picnic pavilions under this policy shall be operated at a speed no greater than pedestrian traffic or three miles an hour, whichever is less.
- No passengers are permitted unless the person with a disability is unable to operate the mobility device and the device is designed and manufactured to carry a passenger.
- Mobility devices may not be used in streams and wetlands.
- Operators must abide by state laws and regulations, including: DCNR's state forest and state park regulations, Vehicle Code and regulations, and Game and Wildlife Code and regulations.

Where mobility devices are allowed and not allowed

Mobility devices ARE ALLOWED as follows:

- Buildings, including picnic pavilions: Mobility devices are allowed in DCNR buildings provided they are no wider than 32" or longer than 48", do not have combustion engines, can be operated safely, and can be stored safely if not in use for a period of time. Mobility devices must be operated in a manner that does not risk harm to the operator, other persons, or property. The operator must be in control at all times, take great care when entering or exiting an elevator, and stop to look for other traffic before turning corners.
- Natural surface and aggregate trails on DCNR lands, including rail trails and rails with trails: Segways, foot scooters, tracked mobility chairs and tricycles may be used by persons with a mobility disability on all aggregate surfaced trails, and sidewalks.
- Trails designated for ATV, snowmobile (state forests only), and dual-sport / off-highway motorcycles: Mobility devices are allowed on these trails provided they are no wider than 58", no heavier than 1,200 pounds, and produce a noise level not exceeding 99dBA. Operators should use caution in areas frequented by larger and faster vehicles, especially where visibility is poor.

- State forest areas previously designated for use by persons with mobility disabilities: Locations and maps of these areas are posted at http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_010592.pdf. Mobility devices are allowed on these areas provided they are no wider than 58", no heavier than 1,200 pounds, and produce a noise level not exceeding 99dBA.
- State park roads that are open to licensed motor vehicles: Segways are allowed on these roads. Other mobility devices are also allowed unless prohibited by posting.
- State forest public use roads that are open to licensed motor vehicles: Segways are allowed on these roads.
- State forest gated roads: Any mobility device is allowed on these roads unless prohibited by posting. Access to these roads (combination or key to gate lock) is provided at the local forest district office.

Mobility devices ARE NOT ALLOWED on state park and state forest property except as stated above or except with written permission. Some of the categories of locations where mobility devices are not allowed are the following:

- Recreation Opportunity Spectrum (ROS) Primitive and Semi-Primitive Non-Motorized zones (on state forest land)
- Penn Nursery
- Seed orchards (on state forest land)
- State forest hiking trails
- National Scenic Trails
- Wild plant sanctuaries
- Stream banks and riparian zones, including intermittent waterways
- Natural Areas
- Wetlands
- Prehistoric and historic archaeological sites
- Exemplary natural communities
- Ecologically sensitive areas
- Unique geological features
- Dam structures
- Special management areas
- Non-public buildings

Other restrictions

- In addition to the above provisions, DCNR reserves the right to close specific areas and facilities or to further restrict use of certain mobility devices in certain areas or facilities.
- The decision to make such closures or restrictions will be based on the application of the assessment factors listed in the "Guidance" document referred to at the beginning of this policy.
- DCNR will notify the public of these closures or restrictions by such means as website

posting, signs, news releases, fire wardens, and/or volunteer fire companies.

Application process for persons with a disability to obtain a permit to use a mobility device at a state park or state forest

- Permit application forms are available on DCNR's website http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_010591.pdf and in state park (SP) and state forest district (FD) offices.
- An application may be brought to any SP or FD office; a permit is valid in all SPs and FDs.
- Applicants must personally appear at a SP or FD office to submit their application.
- Applicants are advised to call the SP or FD office ahead of time to ensure that the office is open and authorized staff is available at the time of your visit to receive and act on an application.
- If the SP or FD is open and authorized staff is available, applications will be received, reviewed, and usually acted on at the time they are submitted.
- When an application is submitted, the staff will ask the applicant if the applicant's mobility device is needed because of a mobility disability. A mobility disability is a condition that restricts or prevents a person from walking.
- An applicant who has a valid* state-issued proof of disability** will submit this proof along with a completed application. Authorized SP or FD staff will approve the application by signing at the bottom of the application form. If an applicant does not have a valid state-issued proof of disability, the application will be approved if the staff determines that the applicant's verbal statement that the mobility device is required because of his/her disability is not contradicted by observable fact.
 - *To be "valid" the proof must be in the applicant's name and unexpired.
 - **"State-issued proof of disability" is any of the following:
 - ✓ Proof of having a disability parking placard issued by the Pennsylvania Department of Transportation (PennDOT). This proof can be the placard itself or an identification card issued by PennDOT documenting the issuance of the placard.
 - ✓ Proof of possession of a disability registration plate (license plate) issued by PennDOT. This proof will be the registration card with a registration number beginning with "PD".
 - ✓ Pennsylvania Game Commission lifetime permit to use vehicle as a blind.
 - ✓ Proof of mobility disability issued by a state*** other than Pennsylvania.
 - ***"State" means one of the 50 states, DC, Puerto Rico, Guam, American Samoa, Virgin Islands, Trust Territory of the Pacific Islands, and Northern Mariana Islands.

- If an applicant makes it known to the staff that his/her disability is temporary in nature, a permit may be issued with an expiration date that is sooner than the regular three-year expiration (see below).
- An application that has been approved as indicated by the original signature of authorized staff becomes a permit to use the mobility device on SP or FD land in accordance with DCNR's policy on use of powered mobility devices by persons with disabilities on state park and state forest property and in accordance with the conditions listed on the back of the permit. The policy, along with the permit, a disability sticker, and a vehicle placard are provided to the permittee.
- As stated in the permit, the permit expires in three years. If the permittee had brought to the attention of the staff that the disability is temporary in nature, the reference in the permit to "three" years may be crossed out, replaced with a shorter period, and initialed by the staff.
- After expiration of a permit, a person with a mobility disability may submit a new application for a permit.