



## **ADA Preserve Policy**

### **Kinnickinnic River Land Trust**

#### **POLICY STATEMENT:**

The Kinnickinnic River Land Trust (KRLT) is committed to enabling the use and enjoyment of KRLT preserves by visitors with limited mobility. To further this commitment, KRLT has created this policy to allow for the safe use of OPDMD on KRLT preserves.

#### **PURPOSE:**

KRLT has created this policy to:

1. Accommodate those who require the assistance of a mobility device;
2. Comply with 28 Code of Federal Regulations sections: 35.104, 35.137, 36.104, 36.311 and;
3. Avoid unreasonable discrimination in the running of public services against persons with mobility disabilities for the purpose of transportation.

#### **AFFECTED AREAS:**

The scope of this policy applies to all persons entering, visiting or using KRLT preserves that are accessible for OPDMD use.

#### **DEFINITIONS:**

**Other Power-Driven Mobility Device (OPDMD):** An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities. OPDMDs may include golf carts, electronic personal assistance mobility devices, such as the Segway ® Personal Transporter (PT), or any mobility device that is not a wheelchair, which is designed to operate in areas without defined pedestrian routes.

**Wheelchair:** A wheelchair is 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. Individuals with mobility disabilities must be permitted to use wheelchairs and manually powered mobility aids, i.e., walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian traffic.

#### **PROCEDURE/PROCESS:**

- 1) **OPDMD Specifications:** KRLT may assess the following factors to determine whether a particular OPDMD can be allowed in a specific facility as a lawful accommodation/ modification:
  - a. The type, size, weight, dimensions, and speed of the device.
  - b. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).

- c. The facility’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).
  - d. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility.
  - e. 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 Federal land management laws and regulations.
- 2) **Inquiries:** KRLT employees should not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual’s disability.
- 3) **Permission:** In order to maintain a safe pedestrian environment and the desired pace and flow of visitor traffic, the District authorizes persons with mobility impairments to use OPDMD on hard surfaces and trails and at outdoor recreation facilities or preserves, subject to the following restrictions:
- a. The operator of the OPDMD must be a person with a mobility impairment;
  - b. The OPDMD is allowed only on hard surfaces and trails or outdoor recreation facilities in which the General Public is allowed;
  - c. The OPDMD operator must not use or operate such a device at preserves, on a hard surface trail, or at an outdoor facility **if use of the device causes damage to the trail/path/sidewalk, the preserve grounds or infrastructure, or facilities;**
  - d. The OPDMD must be operated at a speed that is similar to surrounding foot traffic;
  - e. **The OPDMD:**
    - 1. Must not be operated in a dangerous or reckless manner or at speeds that jeopardize the safety of the operator, or other persons.
    - 2. Must not be driven into wet or ecologically sensitive or hazardous areas.
    - 3. Must not be operated when preserves are not in operation.
  - f. KRLT **does not recognize** the use of **Segways®** as an appropriate device for use inside KRLT facilities due to the congestion of foot traffic and Segway usage within the facility may create a hazardous environment.
  - g. KRLT does not accept responsibility for storage of the OPDMD.
  - h. KRLT does not accept responsibility/liability for damage to the OPDMD, or injury to the operator, whether caused by the operator, another visitor to a facility or site, or any other circumstance.
  - i. KRLT reserves the right to suspend the use of facilities or sites by the OPDMD operator if doing so is in the best interests of KRLT and its participants.
  - j. KRLT reserves the right to change, modify, or amend this policy at any time, as it deems appropriate
- 4) **Procedure:** Arrangements for access at KRLT preserves must be made in advance. This can be done via phone or online sign up at [kinniriver.org](http://kinniriver.org). If the access date is approved by the KRLT, a confirmation email or phone call will be sent. Depending on the time frame or situation KRLT will unlock gate or provide a key, the key must be returned to the KRLT office within 48 hours.

**TRAINING REQUIREMENTS:**

- 1) All relevant KRLT employees shall be trained on this policy.

**COMMUNICATION PLAN:**

- 1) This policy shall be distributed to all relevant staff.
- 2) This policy shall be added to the KRLT shared drive and website.

**Preserve Restrictions:**

**Drewiske Family Preserve** - Due to the steep incline and erosion concerns, all forms of OPDMP will not be allowed past the second gate at the end of the access lane. This will ensure the safety of all visitors and reduce the risk of negative environmental impact.

**Kelly Creek Preserve** - The land adjacent to Kelly Springs is typically wet and is considered an ecologically sensitive area. Because of this the land surrounding Kelly Springs will not be included as usable areas by a OPDMP.

**The Community Forest Preserve** - The middle trail in The Community Forest is subject to trail erosion and due to the unsafe incline it is unusable for OPDMP use.

**REFERENCES:**

**Title 2 of the Americans with Disabilities Act of 1990**

[https://www.ada.gov/ada\\_title\\_II.htm](https://www.ada.gov/ada_title_II.htm)

**Title 3 of the Americans with Disabilities Act of 1990**

[https://www.ada.gov/ada\\_title\\_III.htm](https://www.ada.gov/ada_title_III.htm)

**28 Code of Federal Regulations: Sections: 35.104, 35.137, 36.104, 36.311**

[https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_integrated.htm](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_integrated.htm)

**If you have questions, comments, or suggestions concerning KRLT policies, please contact:**

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