

Wheelchairs and Other Power-Driven Mobility Devices Policy Under the Americans with Disabilities Act

I. Purpose of the Policy

This Policy addresses utilization of wheelchairs and other powered mobility devices in and on all properties operated by the Georgia Department of Natural Resources (DNR). As established and defined by the Americans with Disabilities Act (ADA), wheelchairs and other powered mobility devices shall not be excluded from DNR facilities or activities.

II. Definitions

Wheelchair: *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 indoor, or of both indoor and outdoor locomotion.

Other Power-Driven Mobility Device: *Other power-driven mobility device* 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 cars, 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.

Individual with a Disability: An *individual with a disability* is a person who:

- 1) has a physical or mental impairment that limits one or more major life activities
- OR
- 2) has a record of such impairment.

Accommodation: An *accommodation* is any modification or adjustment in policies, practices, procedures, or environment to enable a qualified individual with a disability to enjoy equal opportunities and access to DNR rights, privileges, benefits and services.

III. Policy Statement

It is the policy of the Georgia Department of Natural Resources to permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

It is also the policy of the Georgia Department of Natural Resources to make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, in any areas open to pedestrian use.

Exceptions: DNR and its individual divisions have determined that certain classes of power-driven mobility devices cannot be operated in accordance with legitimate safety requirements in certain areas operated by DNR and its divisions as follows:

- Gasoline powered OPDMD's are not permitted inside buildings and/or enclosed spaces.
- OPDMD's will not be allowed on delicate natural areas where pedestrian or vehicular traffic is restricted.
- On DNR Wildlife Management Areas, OPDMD'S are to be used on labeled "Handicap Access Roads" Only.
- Park visitor use of ATVs/UTVs is not allowed at Georgia's state parks and historic sites. Further, ATVs/UTVs are not allowed for use as OPDMDs at Georgia's state parks and historic sites in accordance with expectations established by the U.S. Department of Justice prohibiting the use of ATVs/UTVs for such purpose in outdoor areas with heavy pedestrian traffic. Finally, OPDMDs are not allowed on public roads within Georgia's state parks and historic sites unless equipped for road use.
- OPDMDs, in combination with the operator, which exceed 800 pounds total weight are prohibited on nature trails (concrete and boardwalk portions), observation platforms, overlooks, boat docks, piers and similar structures.
- OPDMDs may not be operated at speeds that exceed 5 miles per hour.

Inquiries: DNR staff shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.

DNR staff may ask a person using a power power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability.

DNR staff must accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power- driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability,

DNR staff must accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.

Established Use Rules: DNR staff may advise a person using a power-driven mobility device that a particular area does not permit the use of such device if the area has been included in the exceptions section of this policy statement.

DNR has established the following rules for use of wheelchairs and other power-driven mobility devices in or on DNR operated properties:

- Users are required to operate the device at the speed of pedestrian traffic,
- Users are required to operate the device on established pedestrian pathways to the same extent that pedestrians are required to stay on established pathways regardless

of the fact that the device may be capable of off-path travel,

- Users may not operate the device in specific locations excluded by this policy

- Users must follow established instructions for going through security screening machines if the device contains technology that could be harmed by the machine, and
- DNR will not provide storage of any device when it is not being used.
- DNR does not represent that the trails and access ways found on the natural areas are designed, maintained, managed, or safe for use by any particular person, manually-powered mobility aid, or OPDMD. Certain risks are inherent in the use of any trail or access way, and DNR assumes no liability for the user's decision to traverse any particular trail or access way. DNR does not accept liability for injury to any person or for damage to a manually-powered mobility aid or OPDMD, whether caused by the operator, another visitor to a natural area's trail or facility, or any other circumstance.

Provision of personal devices: Nothing in this policy should be construed to require DNR to provide personal devices (such as wheelchairs, or motorized scooters) to customers with disabilities.

DNR reserves the right to change, modify, or amend this policy at any time.