



United States Department of the Interior

NATIONAL PARK SERVICE
Ozark National Scenic Riverways
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Van Buren, Missouri 63965

IN REPLY REFER TO:

10.A

October 1, 2018

Numbered Memorandum 18-07

To: All Employees, Ozark National Scenic Riverways
From: Superintendent, Ozark National Scenic Riverways
Subject: Use of Other Power Driven Mobility Devices

The purpose of this policy is to clarify how visitors using Other Power Driven Mobility Devices (OPDMD) can access certain areas of the park. This policy establishes guidelines and restrictions associated with such use to ensure the safety of all park visitors and resources.

It complies with the OPDMD Regulations. Pursuant to the Americans with Disabilities Act, the U.S. Department of Justice issued regulations on OPDMDs effective in March 2011, which greatly expands the types of vehicular devices potentially allowed on trails; paths, other routes, and any area open to the public.

Effective immediately, the attached memorandum will be put into policy. This numbered memorandum is hereby implemented, and will remain in effect until cancelled or superseded.

Lawrence E. Johnson

Attachment



National Park Service Ozark National Scenic Riverways

- Superintendent's Order: Numbered Memorandum 18-07
 Use of Other Power Driven mobility Devices
- Approved: October 1, 2018
- Effective Date: Date of Signature until cancelled or rescinded
- Point of Contact: Superintendent, Ozark National Scenic Riverways
- Authority: Department of Justice (DOJ), Civil Rights Division 28
 Code of Federal Regulations (CFR), Part 35
- Purpose: This policy outlines the process to determine the circumstances under which the use of "Other Power-Driven Mobility Devices" (OPDMD) by individuals with a mobility disability will be allowed to operate upon trails and roads within the park boundary.
1. Policy Objectives:
 - 1.1 Implementation of this policy was developed to give persons with disabilities the opportunity to enjoy recreational activities in the park.
 - 1.2 Types of OPDMDs and areas of authorized use were carefully chosen to ensure that OPDMD operation does not affect public safety, impact natural and cultural resources or alter the experiences and/or activities of other park visitors.
 - 1.3 Modifications to existing policies and practices were produced to allow persons with mobility disabilities to use park resources, while remaining in conformity with Federal land management laws and regulations.
 2. Definitions:
 - 2.1 **Individual with a Mobility Disability.** Any person who is subject to any physical impairment or condition regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair; or any other form of support or that limits the person's functional ability to ambulate, climb, descend, sit, rise or perform any related function.
 - 2.2 **Other Power-Driven Mobility Devices (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. Wheelchairs are not considered OPDMDs.

- 2.3 **Class IV Hiking Trail.** A trail defined by United States Forest Service Trails Management Handbook (FSH 2309.18, Chapter 20) as native, with improved sections of borrow or imported material, routine grading, and minor roughness. Design width of 24-60", protrusions 3" or less, slope of 3-7%, and turn radius of 4-8'.
 - 2.4 **Class V Hiking Trail.** A trail defined by United States Forest Service Trails Management Handbook (FSH 2309.18, Chapter 20) as uniform, firm and stable, with likely imported material and routine grading. Design width of 36-72", no protrusions/obstacles, slope of 2-3%, and turning radius of 6-8'.
3. Types of OPDMDs that are Authorized for Use:
 - 3.1 **Electric Personal Assistive Mobility Device (EPAMD).** A two-wheeled, gyroscopically stabilized, battery-powered transportation device, including, but not limited to, devices manufactured by Segway.
 - 3.2 **Mobility Scooters (Power chair).** A electrically powered wheeled device on which a single user sits (also referred to as a power chair), for use by an individual with a mobility disability for indoor or outdoor locomotion.
 - 3.3 **Electric Bicycle.** A bicycle or tricycle with a low powered electric motor weighing less than one hundred (100) pounds, with a top motor-powered speed not in excess of twenty (20) miles per hour, however, limited to five (5) miles per hour within the park.
 4. Authorized Areas for OPDMD Use :
 - 4.1 Class V designated hiking trails.
 - 4.1.1 Alley Spring Trail (hardened section) that leads from the parking lot to the Alley Mill, School House and General Store.
 - 4.1.2 Big Spring Trail (hardened section) that leads from the parking lot to the Spring.
 - 4.2 Sidewalks, parking lots and routes of travel designated for pedestrian use within developed public use areas.
 - 4.3 Campgrounds and trails/paths open to pedestrian use within these areas.
 - 4.4 Park owned roadways.
 - 4.5 Park owned roadways that are closed to motor vehicle traffic but are open for pedestrian use. This would exclude roads and trails within the proposed Big Spring Wilderness Area as all mechanical devices are prohibited.
 5. OPDMD Use Guidelines:
 - 5.1 The use of an OPDMD is limited to the person(s) providing credible assurance of disability. Non-disabled passengers are prohibited from riding on OPDMDs.

- 5.2 A person operating an OPDMD will do so in a safe and responsible manner: maximum speed will not exceed more than 5 miles per hour, so as not to endanger the operator or other park visitors.
 - 5.3 A person operating an OPDMD upon a sidewalk and/or trail, while crossing a roadway or on any other surface shall have the same rights and duties applicable to a pedestrian. Operators shall yield the right-of-way to pedestrians and/or motor vehicles to avoid collisions.
 - 5.4 Trail/paths open to pedestrian use may have changing slopes, grades, surface conditions and widths that hinder OPDMD operation. The operator should exercise caution and understand that they assume all risks and liability operating in such areas.
6. Disability Assessment Procedure:
- 6.1 The use of OPDMDs within the park is restricted to people with mobility disabilities as defined in 35.104 of Title II of the Americans with Disability Act.
 - 6.2 Credible assurance may be provided by showing park staff a National Parks and Federal Recreational Lands Access Pass, a disability placard, license plate, or other State-issued proof of disability assigned to the person who will be using the OPDMD.
 - 6.3 A verbal representation, not contradicted by observable fact, shall be accepted as credible assurance that the mobility device is necessary because of the person's disability.
 - 6.4 Upon the presentation of proof or verbal representation of disability, no further inquiry will be made as to the nature or extent of the individual's disability.
 - 6.5 Individuals who falsely represent themselves as disabled or are seen engaging in a physical activity that is contrary to the nature of the represented disability, will be prevented from using the device and may be cited.
7. Exceptions to Policy:
- 7.1 The Superintendent may authorize the use of OPDMDs or other devices to park visitors who are participating in park events such as the Wounded Warrior Hunt at Big Spring because they are considered to be accomplishing management goals and are considered official business. In these circumstances, the OPDMDs may be allowed to operate in areas of the park that are otherwise restricted to the public by this policy.
 - 7.2 The Superintendent may authorize the use of OPDMDs to park employees for use in conducting official business.