

August 17, 2011

Park Directive 3250

DEPARTMENT OF JUSTICE (DOJ) ADA REGULATION
ON MOBILITY DEVICES

The Department of Justice amended its regulation implementing Title II of the Americans with Disabilities Act (ADA) to increase access to public facilities and programs by people with mobility impairments. This policy directive is in response to the federal rule, addressing the use of wheelchairs, manually powered mobility aids, and other power-driven mobility devices (reference DOJ, Title II, 28 CFR. Part 35 [CRT Docket No. 105; AG Order No. 3180-2010] and Title III, 28 CFR. Part 36 [CRT Docket No. 106; AG Order No. 3181-2010]).

- I. A. Use of wheelchairs and manually powered mobility aids.** Individuals with mobility disabilities are permitted 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. Disability documentation is not required. (Reference §35.137 (Title II) and §36.311 (Title III) Mobility devices).
- B. A wheelchair** is defined as 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 both indoor and outdoor locomotion. (Reference §35.104 and §36.104 – Definitions).
- II. Use of other power-driven mobility devices (OPDMD).** 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 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. OPDMD's are not wheelchairs (Reference §35.104 and §36.104 – Definitions).
- III.** Arkansas State Parks has completed an assessment of facilities, programs, safety factors, visitor risks, and environmental impacts on state parks natural, cultural and historical resources. Based on the assessment, OPDMD's types will be limited to Segway® PT, Mobility Scooters or similar size and type devices. These devices will be allowed in public access buildings, *facilities* and designated trails as follows (note: all-

terrain vehicles, recreational off highway vehicles and golf carts are prohibited, unless noted):

Arkansas Museum of Natural Resources	Oil Field Exhibit Trail
Bull Shoals-White River State Park	Visitor Center Trail
Bull Shoals-White River State Park	Gaston Wildflower Garden Trail
Cane Creek State Park	Cane Creek Lake Trail
Cane Creek State Park	Delta View Trail
Cossatot River State Park – Natural Area	Water Leaf Interpretive Trail
Crater of Diamonds State Park	River Trail
Crowley’s Ridge State Park	Lake Ponder Trail
Crowley’s Ridge State Park	Spider Creek Trail
Crowley’s Ridge State Park	Walcott Lake Trail
Daisy State Park	Bear Creek Trail *
Davidsonville Historic State Park	Historic Townsite Trail
Davidsonville Historic State Park	Black River Trail
Davidsonville Historic State Park	Trappers Lake Trail
DeGray Lake Resort State Park	Green Heron Trail
Delta Heritage Trail	Delta Heritage Trail
Devil’s Den State Park	Woody Plant Trail
Devil’s Den State Park	Lee Creek Trail
Devil’s Den State Park	Cross Country Mountain Bike Trail
Hobbs State Park-Conservation Area	Historic Van Winkle Trail
Hobbs State Park-Conservation Area	Ozark Plateau Trail
Jacksonport State Park	Tunstall River Walk Trail
Lake Charles State Park	Mockernut Trail
Lake Charles State Park	White Oak Lake Trail
Lake Charles State Park	Butterflies and Blooms
Lake Charles State Park	Cedar Trail
Lake Chicot	Delta Woodlands Trail
Lake Frierson State Park	Dogwood Lane Trail
Lake Poinsett State Park	Blue Heron Trail

Louisiana Purchase State Park	Louisiana Purchase Boardwalk
Mammoth Spring State Park	Spring Lake Trail
Millwood State Park	Wildlife Lane
Moro Bay State Park	Low Water Trail
Mount Magazine State Park	Signal Hill Trail
Mount Magazine State Park	Greenfield Trail
Mount Magazine State Park	Benefield Trail
Mount Magazine State Park	Mossback Ridge Trail
Mount Magazine State Park	Will Apple's Road
Mount Magazine State Park	Huckleberry Mountain
Mount Magazine State Park	Horse Trail *
Mount Nebo State Park	Bench Trail
Parkin Archeological State Park	Village Trail
Petit Jean State Park	CCC Trail
Pinnacle Mountain State Park	Arkansas Arboretum Trail
Pinnacle Mountain State Park	Kingfisher Trail
Prairie Grove Battlefield State Park	Battlefield Trail
Queen Wilhelmina State Park	Spring Trail
Toltec Mounds Archeological State Park	Knapp Trail
Toltec Mounds Archeological State Park	The Plum Bayou Trail
Village Creek State Park	Village Creek Multi-use Trails
Village Creek State Park	Lake Dunn Trail
Village Creek State Park	Arboretum Trail
Village Creek State Park	Center Ridge Trail
Village Creek State Park	Lake Trail
White Oak Lake State Park	Beech Ridge Trail
White Oak Lake State Park	Fern Hollow Trail
Withrow Springs State Park	Forest Trail

(* Note: ATV's and OHV's are allowed)

- IV. Disability Identification.** An individual with a mobility disability using an OPDMD must have:
- A. 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.
 - B. In lieu of the requirements in IV. A. a credible verbal assurance will be accepted.
 - C. Staff shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability.
- V. OPDMD Speed Limit**
OPDMD's shall not exceed five (5) miles per hour.

APPROVED BY: 

GREG BUTTS, DIRECTOR
Arkansas State Parks