

USE OF MOBILITY DEVICES BY PERSONS WITH MOBILITY DISABILITIES
ON LANDS OWNED BY THE NATURE CONSERVANCY VERMONT

BACKGROUND AND PHILOSOPHY

Getting outdoors is good for our health and wellbeing regardless of where we live, our age and social or economic status. One of our goals at The Nature Conservancy (TNC) is to help connect people with nature. We want facilitate access for as many people as possible to visit our natural areas.

We have completed an assessment of our natural areas in Vermont in accordance with the Department of Justice's amended regulation implementing Title III of the 1990 Americans with Disabilities Act (ADA) regarding "Other Power-Driven Mobility Devices" (OPDMDs). While some types of OPDMDs can be accommodated at TNC natural areas, there are necessary restrictions on their use. The roads and trails assessment identifies which routes can be used by various class of OPDMD as further defined later in this document. **Please note that some of these routes will require access through a gate. Please contact us for the access code at vermont@tnc.org.**

The table below describes OPDMD use at The Nature Conservancy natural areas in Vermont and maps are available via email at vermont@tnc.org.

OPDMDs are allowed with restrictions on the properties in red:

Natural Area Name	Location	OPDMDs Prohibited	OPDMDs Permitted with following restrictions	OPDMD class permitted
Barnard Fen	Barnard	Yes	No	
Barr Hill	Greensboro	No	Yes -ski trails in winter, snowmobiles only	Class II
Black Mountain	Dummerston	No	Yes - limited to lower portion of loop trail	Class III
Black Rock	Dorset	Yes	No	
Bond Island	Whiting	No	Yes - limited to driveway and clearing at top of hill	Class III
Brandon Silvermine	Brandon	Yes	No	
Brown's Ledges	Eden, Lowell	Yes	No	
Burnt Mountain	Eden, Lowell	Yes	No	
Butternut Hill	North Hero	Yes	No	
Chickering Bog	East Montpelier; Calais	Yes	No	
CT River Floodplains	Hartland	Yes	No	
Deer Leap		Yes	No	
East Creek	Orwell	No	Yes - limited to ag. field of Audet3 tract in fall	Class III
Equinox Highlands	Manchester, Dorset	No	No	
Eshqua Bog	Hartland	Yes	No	Class I
Fairlee Bog Pond	Fairlee	Yes	No	

Felton Hill Swamp	Orwell	Yes	No	
Flagg Pond	Wheelock	Yes	No	
Franklin Bog	Franklin	Yes	No	
Great Guildhall Swamp	Guildhall	Yes	No	
Great Ledge	Fair Haven; West Haven	No	Yes- allowed on the management road up to the pasture.	Class III
Grosse Point	Ferrisburgh	Yes	No	
H. Laurence Achilles	Shelburne	Yes	No	
Helen W. Buckner Memorial Preserve	West Haven	No	Yes - limited to some fields in fall	Class III
High Pond	Hubbardton; Sudbury; Brandon; Pittsford	No	Yes- up to the Smith-Wheeler camp	Class III
Hubbardton River Clayplain	West Haven; Benson	Yes	No	
LaPlatte River Marsh	Shelburne	Yes	No	
Little Averill Lake	Averill	Yes	No	
Long Pond	Greensboro	No	Yes - limited to Tamarack Ranch Rd	Class III
Lower Poultney River	West Haven	Yes	No	
Maidstone Bends	Maidstone	No	Yes - limited to agricultural fields in the fall on Thurston and Tanguay tracts	Class III
Mount Aeolus		Yes	No	
Newark Pond	Newark	Yes	No	
North Pawlet Hills	Pawlet	No	Yes- up to the former Hicks camp	Class III
Old Marsh Pond		Yes	No	
Orange County Fens (2)	Brookfield, Williamstown	Yes	No	
Otter Creek Swamps	Cornwall	No	Yes - limited to levy road on Laroque and Quesnel tracts	Class III
Plymouth Caves	Plymouth	Yes	No	
Quarry Hill	Pownal	Yes	No	
Raven Ridge	Monkton; Charlotte; Hinesburg	No	Yes - limited to forest road leading to apple orchard	Class III
Richmond Rivershore	Richmond	Yes	No	
Scanlon Bog	Brandon	Yes	No	
Shaw Mountain	Benson	Yes	No	
Sheridan Mountain	Guildhall	Yes	No	
Shutesville Hill	Waterbury	Yes	No	

Snake Mountain	Bridport	No	Yes - limited to snowmobiles on VAST trail in winter	Class II
Sugar Hollow	Pittsford	Yes	No	
Twin Mountain	West Rutland	Yes	No	
West Mountain		No	Yes - limited to existing roadways that cross parcels and are utilized by the state/TNC/public	Class III
White River Ledges	Sharon; Pomfret	No	Yes - limited to old road on Schindler tract	Class III
Willmarth Woods	Addison	Yes	No	

OPDMD USE GUIDELINES

The Americans with Disabilities Act (ADA) regulations address the use of wheelchairs and “Other Power Driven Mobility Devices” (OPDMDs) by persons with mobility disabilities. These rules apply to “public accommodations” which include The Nature Conservancy properties that are open to the public. The regulations provide that with regard to “public accommodations” persons with mobility disabilities are entitled to:

- Use wheelchairs and manually-powered mobility aids (canes, walkers, etc.) in areas that are open to pedestrian use. A “wheelchair” includes 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.
- Use OPDMDs if the landowner can make “reasonable modifications to its practices to accommodate them.”

Those natural areas that we feel are most well-suited to a quality nature experiences for those visitors who need to use OPDMDs for mobility are listed above. On those properties where OPDMDs are permitted, please note that there are use guidelines as outlined here:

- The maximum speed limit on all natural areas is **3 mph** (walking speed).
- All OPDMDs must be cleaned prior to visitation to ensure there is no mud or other material attached to the OPDMD to ensure that invasive weed seeds are not inadvertently transported to the natural area.
- A person using an OPDMD on TNC property may be asked to provide credible assurance that the OPDMD is required because of the person’s disability. TNC will 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 OPDMD is for the person’s mobility disability. In lieu of such evidence, TNC shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. A “valid” disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the State of issuance’s requirements for disability placards or cards. TNC does not accept responsibility for storage of OPDMDs.
- TNC does not accept liability for damage to OPDMDs or injury to the operator, whether caused by the operator, another visitor to the property, or any other circumstance.
- The use of an OPDMD is limited to the person(s) providing credible assurance of disability. OPDMDs may not be used to transport non-disabled passengers unless the passenger is needed for safe operation of the OPDMD.
- TNC does not accept liability for damage caused by the operator of the OPDMD or injury to others caused by the operator of such device.
- TNC reserves the right to suspend the use of OPDMDs or change, modify or amend its OPDMD policies at any time.
- TNC does not represent that the TNC property is safe for use by an OPDMD. Certain risks are inherent in the use of natural areas, including rough surfaces and features such as snow, mud, vegetation, tree roots, and water crossings; all users must exercise reasonable care and judgment.

CLASS I

Electric Bicycle - The term "electric bicycle" means any bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds, with a top motor powered speed not in excess of 20 miles per hour.

Electronic Personal Assistance Mobility Device (EPAMD) - A two-wheeled, gyroscopically stabilized, battery-powered personal transportation device, including, but not limited to devices manufactured by Segway.

Mobility Scooters - Electrically powered wheeled device on which a single user sits, also called a Powerchair, for use by an Individual with a mobility disability for indoor or both Indoor and outdoor locomotion.

Motorbike or Motorcycle - Any self-propelled two wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

Tank Chairs - A wheelchair with motorized treads in place of wheels designed for all-terrain use, not indoor use. Primarily designed for use by persons with a mobility disability.

CLASS II

All-Terrain Vehicle (ATV) - Any recreation vehicle with three or more tires, 36 to 50 inches in width, having a wheelbase of 61 inches or less, has handlebar steering and a seat designed to be straddled by the operator.

Golf Cart - A motor vehicle that: (1) has not less than three wheels in contact with the ground; (2) has an unloaded weight less than 1,300 pounds; (3) is designed to be and is operated at not more than 15 miles per hour; and (4) is designed primarily to carry golf equipment and not more than two persons, including the driver.

CLASS III

Low Speed Vehicle - A four-wheeled motor vehicle capable of speeds of not more than 25 miles per hour on a paved level surface, and whose gross vehicle weight is less than 3,000 pounds

Recreational Off-Highway Vehicle (ROV) - Motorized off-road vehicles designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, an occupant protective structure, and engine displacement up to 1,000 cc.

Utility Type Vehicle (UTV) - Any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated roads, traveling on four or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, and having a wheelbase of one 110 Inches or less. A UTV must have a minimum width of 50 Inches, a minimum weight of at least 900 pounds or a wheelbase of over 61 inches. UTV does not include golf carts, vehicles specially designed to carry a disabled person, or implements of husbandry. UTV as used herein, also Includes ROVs meeting the above criteria.