

Other Power-Driven Mobility Devices (OPDMD)

Introduction

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 Nature Conservancy properties **that are open to the public**. The regulations provide that regarding “public accommodations,” persons with mobility disabilities are entitled to:

1. Use wheelchairs and manually powered mobility aids (canes, walkers, etc.) in areas that are open to pedestrian use. A “Wheelchair” includes a manually operated device or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor or outdoor locomotion.
2. Use OPDMDs if the landowner can make “reasonable modifications to its practices to accommodate them.” An assessment has been done for the following TNC properties in accordance with the ADA regulations. Based on the assessments, use of OPDMDs on these properties is subject to the following limitations:

Big Darby Creek Headwaters Nature Preserve

OPDMDs are permitted only when the preserve is open to the public and only on the gravel trail (not on boardwalk or earthen trail), speed cannot exceed 8 miles per hour and width cannot exceed 36 inches.

Brown’s Lake Bog Preserve

OPDMDs are prohibited.

Lucia S. Nash Preserve

OPDMDs are permitted only when the preserve is open to the public and only on the gravel trail (not on boardwalk or earthen trail), cannot be gas powered, speed cannot exceed 8 miles per hour and width cannot exceed 36 inches.

Kitty Todd Nature Preserve

OPDMDs are permitted only when the preserve is open to the public and only on the gravel trail and overlook at the Sandhill Crane Wetlands Viewing Area. OPDMDs cannot exceed 36 inches wide and may travel at no more than 4 miles per hour. Use of OPDMDs would cause direct irreparable damage to the savanna, prairies, and forest habitats by damaging rare plant growth, altering wetland surface terrain, spreading invasive species and disturbing rare animals, most notably rare ground nesting birds.

Guidelines for Using OPDMDs on TNC Preserves

On properties where OPDMDs are permitted, the following conditions shall also apply:

- 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 person operating the OPDMD cannot carry another person or object that would cause the OPDMD to tip or become unstable or cause harm to the driver, or others on trail.
- 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.