

Policy on ADA Mobility at Scenic Hudson Parks and Preserves

INTRODUCTION

Scenic Hudson's mission is to protect and restore the Hudson River, its riverfront and the majestic vistas and working landscapes beyond as an irreplaceable national treasure for America and a vital resource for residents and visitors. Our parks and preserves are enjoyed by thousands of Hudson Valley residents and tourists each year, and are used by schools, community groups and the general public for outdoor exploration and study. These valuable places range from forested ridges and open meadows to urban waterfronts. We remain committed to providing unique recreational and educational experiences, and to offering accessible facilities, where possible and feasible due to terrain, and events and programs to all of our visitors.

The Department of Justice (DOJ) recently amended its regulation implementing Title III of the Americans with Disabilities Act (ADA). These amendments require us to make reasonable changes to our policies in order to accommodate a new category of devices for the mobility-impaired, called "Other Power Driven Mobility Devices" (OPDMD). OPDMD include any device powered by batteries, fuel, or other engines that is used for locomotion by individuals with mobility disabilities, regardless of whether the device was originally designed for this purpose. Importantly, these changes do not apply to wheelchairs, which are permitted by law on all pedestrian trails.

This policy seeks to balance the goals of providing expanded access to all individuals in need of mobility assistance, ensuring the maintenance of physical safety for all trail users, and the conservation and protection of significant natural and cultural resources. We have taken into account the DOJ's five assessment factors and have considered our trails individually and the valuable resources they both explore and protect. As provided by the DOJ, these factors are:

1. The type, size, weight, dimensions and speed of the device;
2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
3. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
4. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and

5. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

After assessing our trail networks, and considering carefully the impacts of certain types of OPDMD on our natural environment, Scenic Hudson has determined the following restrictions are necessary for our parks and preserves throughout the Hudson Valley.

RESTRICTIONS ON OPDMD USE

Our park rules state that all visitors must remain on designated trails. Wheelchairs and other manually powered mobility aids are permitted anywhere foot traffic is allowed. OPDMD use shall be permitted only by individuals with mobility impairments and shall comply with the specifications described below. Furthermore, all existing Scenic Hudson park rules currently in effect apply to OPDMD users.

1. Fuel-powered vehicles with internal combustion engines (e.g., all-terrain vehicles including quads and dirt bikes) are strictly prohibited on all trails;
2. OPDMD must be electronically or manually powered;
3. OPDMD wheel base must not exceed half the width of any given trail, or 36" wide, whichever is narrower, to allow for pedestrians or through-hikers to pass;
4. OPDMD may not weigh more than 300 pounds;
5. OPDMD may not exceed a typical walking speed of 4 miles per hour; or during periods of heavy pedestrian traffic when other pedestrians are present and a safe speed is likely to be less, OPDMD may not exceed 2-3 miles per hour;
6. Any person operating an OPDMD in an unsafe manner will be asked to leave the property.

These restrictions were adopted by Scenic Hudson in order to: maintain high-quality wildlife habitat, including habitat for species that are sensitive to noise, air, and light pollution; prevent soil compaction, erosion, sedimentation, and other types of landscape disturbance caused by large or heavy vehicles; maintain the natural and peaceful character of our parks and preserves for the enjoyment of the general public; and protect public safety by prohibiting vehicles that are of a type, size, weight, or dimension that renders them functionally incompatible with safe pedestrian and wheelchair circulation on trails.

Please make informed choices about use of OPDMD on Scenic Hudson trails. We highly recommend that you contact us in advance of your visit in order to help us ensure that your particular OPDMD is approved for use on a particular trail and at the particular times you wish to use it. Furthermore, while several of Scenic Hudson's trails have been designed to meet ADA standards, others have not been built for vehicular use (e.g., exposed roots and rock stairs are common; bridges may not have edge restraints). To ensure the safety of OPDMD users, we recommend contacting us about local trail conditions and potential safety concerns.

DISABILITY IDENTIFICATION

In order to ensure the safety of our park users, an individual with a mobility disability using an OPDMD may be asked to provide:

1. A valid, state-issued, disability parking placard or card, or other state-issued proof of disability;
2. In lieu of a valid, state-issued disability parking placard, a credible verbal assurance will be accepted;
3. Scenic Hudson or its representatives will not ask an individual using a wheelchair or OPDMD questions about the nature or extent of the individual's disability.

Please note that Scenic Hudson recognizes that disabilities are not always visually obvious, and impairments including heart conditions, diabetes, and other invisible conditions can limit a person's ability to walk for long distances. Scenic Hudson has long been invested in ADA compliance, and has installed benches, ADA accessible trails, and other appropriate infrastructure wherever feasible. We remain committed to providing equal access to our parks and preserves throughout the Hudson Valley.