

Procedure for the Use of Power-Driven Mobility Devices on Mass Audubon Sanctuaries¹

September 17, 2012

Background

As part of Mass Audubon's mission "to preserve the nature of Massachusetts for people and for wildlife" Mass Audubon has protected 35,000 acres of land through a combination of outright acquisition of fee interests and conservation restrictions on public and private land. This land makes up Mass Audubon's wildlife sanctuary system which we use to connect people with nature, which serves as the base from which we deliver public educational and summer camp programs that reach 230,000 people every year, and which provides opportunities for wildlife watching, nature study and quiet reflection for nearly 400,000 visitors annually.

Recognizing the physical obstacles inherent across our sanctuary system as well as the importance of providing opportunities for those with mobility assistance needs to enjoy and appreciate nature, Mass Audubon has expended considerable time and resources to increase accessibility for our buildings, trails, and programs. Mass Audubon is actively engaged in bringing its nature centers into ADA compliance, dedicating a portion of its capital budget every year for this purpose, as well as fundraising for specific initiatives. All new capital construction meets or exceeds ADA requirements.

As of August 2012, Mass Audubon has 10 sanctuaries that have trails that are designed to provide visitors with accessible nature trail experiences and Mass Audubon has become a recognized leader in the provision of all-persons access in Massachusetts. Accessible trail improvements have been made at Drumlin Farm in Lincoln, Blue Hills in Milton, Broad Meadow Brook in Worcester, Broadmoor in Natick, Arcadia in Easthampton, Pleasant Valley in Lenox, Wellfleet Bay on the Cape, Felix Neck on Martha's Vineyard, Stony Brook in Norfolk, Attleboro Springs in Attleboro, and the Boston Nature Center in Mattapan. Sensory trails at Stony Brook in Norfolk, Broadmoor in Natick, Attleboro Springs in Attleboro, and Arcadia in Easthampton provide an outdoor trail experience for those with visual impairments, and many sanctuaries,

¹ This document provides guidelines for the use of other power-driven mobility devices (OPDMD) on land owned and/or managed by Mass Audubon pursuant to the US Department of Justice (DOJ) regulations amending the Americans with Disabilities Act (ADA), Title II regulation, 28 CFR Part 35, effective March 15, 2011. This procedure does not apply to wheelchairs which are permitted by law on all pedestrian trails or to privately owned and managed lands on which Mass Audubon holds conservation restrictions.

including Joppa Flats in Newburyport, offer programs targeted to enhance accessibility to the visually impaired. The vast majority of our nature centers are fully accessible and those few that currently lack full access are planned to be addressed. Mass Audubon is also in the midst of a three-year project to provide enhanced interpretation at eight sanctuaries across the state for the visually impaired, including audio tours, Braille signage, maps and guides, and related materials. Our *Guide to Wildlife Sanctuaries*, a publication that is mailed to each new member of Mass Audubon and is also available to visitors at each staffed sanctuary, contains a chart of facilities that clearly identifies sanctuaries with accessible restrooms and nature centers, and visitors to our website can find the same information online.

Mass Audubon seeks to provide a high quality visitor experience that is focused on quiet appreciation of nature and the outdoors, with recreational activities carefully selected to maintain this visitor experience, to protect the natural resource and wildlife habitat values of our properties, and to minimize conflicts among visitors and with program participants. In making decisions about visitor uses and facilities, Mass Audubon policy notes that *“ecological values and the recommendations of a sanctuary ecological management plan will be considered and given precedence in making decisions about siting of trails and other infrastructure, developing new intensive use zones, managing individual species of plants and animals and conducting other activities that may affect the wildlife habitat value of a sanctuary.”* The same policy also states that *“trails, structures and other facilities are to be sited, constructed and operated so as to avoid short or long-term adverse effects on rare species habitat or exemplary natural communities.”*² For these reasons, horseback riding, dogs, trail running, hunting, bicycling (including mountain bikes)³, and ATVs are generally not permitted on Mass Audubon land. Vehicular use of primitive access roads by trained staff is rare and is generally limited to occasional land management or emergency purposes. Motorized vehicles are never used by Mass Audubon on “single track” pedestrian trails.

Mass Audubon’s sanctuaries contain a wide variety of trails, with a wide variety of conditions including wet areas and stream crossings, rocky areas, steep slopes, boardwalks, and bog bridging. Many of these trails are narrow and/or are topographically unsuitable for use by power-driven mobility devices. Weather and environmental conditions can change quickly resulting in deep mud and eroded areas or tree limbs across trails. Physical space to reverse direction on a trail may not be available.

² Policy on Siting Interpretive Structures and Other Facilities on Mass Audubon Wildlife Sanctuaries, 1/5/2006

³ “The use of bicycles or other mechanized transportation within sanctuary lands is generally not compatible with the primary purpose of Mass Audubon’s property holdings. Conflicts may include the destruction of vegetation, soil erosion, safety issues, disturbance of wildlife, and interference with the quiet enjoyment of nature by other sanctuary visitors. Therefore the use of bicycles, including so-called mountain bicycles designed for off-road use, is generally prohibited on Mass Audubon sanctuaries.” – from Procedure Regarding Bicycles at Sanctuaries, December 22, 2005.

OPDMD Procedure

This OPDMD Procedure provides guidelines for the use of “other power-driven mobility devices” (OPDMD) on land owned and/or managed by Mass Audubon pursuant to the US Department of Justice (DOJ) regulations amending the Americans with Disabilities Act (ADA), Title II regulation, 28 CFR Part 35, effective March 15, 2011. **This procedure does not apply to wheelchairs which are permitted by law on all pedestrian trails.**

This procedure is designed to balance the important goal of expanded access by those needing mobility assistance with the importance of physical safety for all trail users, the need to protect sensitive natural and cultural resources (e.g. wetlands, riparian systems, rare species) from degradation or adverse impacts by noise, the need to ensure that trails are used in a manner consistent with their design and are not physically damaged or degraded by such use, and the importance of quiet appreciation of nature by visitors and programs participants on our sanctuary lands. It takes into consideration DOJ’s specific Assessment Factors as they apply to Mass Audubon sanctuary lands in identifying the types, sizes and weights of vehicles that are appropriate on Mass Audubon trails.

1. The use of electric or electronic power-driven mobility devices is generally permitted on Mass Audubon trails by those with the need for such devices subject to the following requirements and limitations:

- a. To maintain the safety of all trail users, power-driven mobility devices must be operated on Mass Audubon trails at a safe speed, not exceeding four (4) mph. Where other visitors are present and visible on the trail, a safe speed is likely to be less and is the average speed at which other users are traveling on the trail, typically 2-4 mph.
- b. Due to the design constraints of most Mass Audubon trails and the need for trail users to be able to pass while remaining on trail, power-driven mobility devices must be no greater than 36” in width unless a single visit pass is approved in advance for use of a larger vehicle at a specific site or trail. Passes may be acquired by contacting the relevant sanctuary director/site manager.
- c. Due to design constraints, power-driven mobility devices used on trails with boardwalks, bridges, culverts and observation platforms shall be limited to a total weight of 500 pounds, which includes the vehicle, plus rider and any cargo or passengers.
- d. Due to the physical damage likely to be done to trails from their use, tracked vehicles of any kind are prohibited.
- e. Power-driven mobility devices must remain on designated trails.
- f. All trail users need to make informed decisions about whether they can safely use a particular trail. Trails have generally not been designed for vehicular use (e.g. bridges and boardwalks may not have edge restraints and tree roots are common.) It is recommended that visitors using power-driven mobility devices who are unfamiliar with

trails contact the sanctuary director/site manager for local trail conditions in advance. Contact information is available on Mass Audubon's website at www.massaudubon.org or by calling 781-259-9500. Due to the volume of visitors at staffed sanctuaries with nature centers, users with power-driven mobility devices must check in at the nature center prior to using the trail system to learn of any site specific conditions or programs in progress which may affect trail accessibility.

g. Mass Audubon reserves the right to close any trail to pedestrian and/or vehicle use due to wet or icy trail conditions. Information about trail closings will be posted at the site and on Mass Audubon's web page.

2. Power-drive mobility devices with internal combustion engines are prohibited on Mass Audubon land.

3. Mass Audubon staff and volunteers may ask a person seeking to use a power-driven mobility device on Mass Audubon land to provide a credible assurance that the device is required because of the person's disability. The staff member or volunteer shall accept the presentation of a valid, state-issued disability parking placard or card, or other proof of disability as a credible assurance that the use of the device is for the person's mobility disability. In lieu of a valid placard or card, the staff member or volunteer shall accept as a credible assurance a verbal representation that the device is being used for a mobility disability and shall not ask the person using a device about the nature and extent of the disability.

Approved:

Gary R. Clayton

Date: September 20, 2012



Mass Audubon

OPDMD PASS

_____ (site)

_____ (date)

Approved _____
Please copy this completed form and send to Elaine Kile @ HQ