

## What is a PDMD?

A PDMD is **any** mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities to maneuver in areas without defined pedestrian routes. Many different devices qualify as PDMDs, such as golf carts, All-Terrain Vehicles, trucks, Dune Buggies, and the Segway. A PDMD is not a wheelchair.\*

## What is a mobility disability?

A mobility disability is any physical impairment that substantially limits major life activities associated with mobility, such as walking, standing, or bending. Mobility disabilities can be either permanent or intermittent. An individual with an intermittent physical impairment is considered to have a mobility disability if the impairment is currently active. Mobility disabilities are shown by state-issued proof of disability (disabled license plates, identification cards, vehicle hang tags), or by an individual's own statement that they have a mobility disability.

## What does this mean for your trails?

Currently PDMDs may be prohibited on your trails unless the individual obtains a permit. The new rules change this process, and instead require that **trails be open for all individuals**, including those with mobility disabilities. You are not required to make any physical modifications to trails, such as widened access\*, grading, or clearing. You are required, on a trail-by-trail basis, to assess the ability to accommodate PDMDs, or certain PDMDs, on your trails. (See "Evaluating Your Trails"). You may wish to make trail-specific determinations regarding the use of PDMDs on higher-use trails first, where requests are more likely.

## Without an assessment, all PDMDs must be allowed.

\* Under s. NR 45.03(16r)(b), Wis. Adm. Code, and 28 CFR § 35.137(a), any physically disabled person in a wheelchair is a pedestrian and does not need a permit to operate on state lands open to pedestrians. Wheelchair is defined in 28 CFR § 35.104 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 of both indoor and outdoor locomotion". All access points to trails must allow for the physical passage of a wheelchair (32").

## **Prioritize Your Efforts**

Many different devices qualify as PDMDs. You may manage many miles of trail. It is likely that people will begin to use PDMDs on your trails before you can make trail-specific determinations. You should identify the areas of greatest concern and address those first.

**Safety First:** The safety of all people who use your trails is top priority. Identify and evaluate your trails that are particularly high-traffic or have particularly dangerous conditions.

**Environmentally Sensitive Areas:** If your trails pass through especially sensitive areas or habitats, evaluate these areas to determine if PDMDs will cause serious harm.

## **MORE INFORMATION**

- More information for department staff, including a list of frequently asked questions (FAQs), is available on the intranet:  
<http://intranet.dnr.state.wi.us/int/land/parks/Trails/PDMD.html>.
- More information for the public is available via the department's "Open the Outdoors" web page:  
<http://dnr.wi.gov/org/at/af/open/>.
- Form 2500-124: *Power-Driven Mobility Device Application and Permit for Disabled Non-Hunting Purpose on State Lands*.
- Draft Manual Code 2527.7: *Motorized Vehicle Use on Designated Department Lands by Persons with Physical Disabilities* (available on intranet site).
- The text of the amendments to the Americans with Disabilities Act related to this guidance:  
[http://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_withbold.htm](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm).
- Wisconsin Trail Safety & Etiquette (PUB-PR-472):  
<http://dnr.wi.gov/org/land/parks/trails/Etiquette.pdf>

## **JUST REMEMBER: ACCESS AND SAFETY FOR EVERYONE ON WISCONSIN'S TRAILS.**

- A. *The device on page 2 is not a wheelchair because it is not designed for outdoor and indoor use.*

# **Power-Driven Mobility Devices on Wisconsin Trails**

## *Guidance for Department of Natural Resources Lands*

PUB-PR-066 3/2011



*Example of a Power-Driven Mobility Device*

On March 15, 2011, U.S. Department of Justice (DOJ) rules regarding the use of mobility devices take effect. The rules will affect all non-federal public areas, including state trails. Under the new rules, power-driven mobility devices (PDMDs) must be allowed on trails unless they cannot be reasonably accommodated. This guide will help you maintain compliance with DOJ rules and keep your trails safe for all users. Our goals for implementation of this rule are to be consistent, defensible, and open, to provide safe access for all.

This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in federal regulation, statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing regulations, statutes and administrative rules to the relevant facts.

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Q. Is this a wheelchair?

## Accommodating Everyone

Everyone is entitled to enjoy recreation on Wisconsin's many public lands and trails. The DOJ rules ensure that people with mobility disabilities are included. You may ask an individual that wants to use a PDMD on your trail for proof of disability. If that individual presents state-issued proof or tells you that the PDMD is for a mobility disability, they may use the device on your trails. **Under the law, you are not allowed to ask the individual any questions about their disability.**

However, trails with high traffic, dangerous conditions, or especially sensitive environments may not be conducive to PDMDs. If this is the case, you should first try to devise safety requirements for PDMD use (for example width restrictions, speed limits). In limited circumstances, safety requirements alone may not be enough to protect everyone. You may then evaluate your trails to determine which devices may be allowed.

Until further notice, the Department of Natural Resources (DNR) has a permit process that is required for individuals to operate a PDMD on a trail that does not otherwise allow that device (Form 2500-124: *Power-Driven Mobility Device Application and Permit for Disabled Non-Hunting Purpose on State Lands*). You should not wait until you have a request to evaluate a trail for PDMD access.

**Please remember: Everyone is entitled to enjoy state lands. It is your job to accommodate everyone the best you can.**

## Evaluating Your Trails

The Department of Justice rules require you to make reasonable modifications to your policies, practices, and procedures to allow the use of PDMDs on your trails. These devices **must** be allowed unless they present **actual safety risks** to the user or others, or if their use cannot be **reasonably accommodated**. Determinations must be based on actual risks, and cannot be based on speculation, stereotypes, or generalizations about individuals with disabilities or PDMDs.

### • Safety Requirements

The best way to ensure safe PDMD use on your trails is to add safety requirements to the permit such as speed limits, hours of operation, helmet requirements, or notification requirements. For more guidance see proposed Manual Code 2527.7. These requirements may apply to entire properties (if appropriate) or to specific trails. Any requirements that you adopt must be based on actual safety risks. If you choose to adopt safety requirements, you should **document your reasons** for doing so. You should also **make these documents available** at registration stations and trailheads, and online.

### • Reasonable Accommodations

PDMDs may be inappropriate for specific trails or land classifications. You may determine that PDMDs cannot be reasonably accommodated, but if you chose to do so you **must consider all of the following factors**:

1. **The physical characteristics of the PDMD.**  
These characteristics can include the type, size, weight, dimensions, and speed of the device. For example, golf carts can weigh nearly 1,000 lbs., and newer devices designed for outdoor use can reach speeds well in excess of 25 mph.
2. **The volume of pedestrian traffic on the trail.**  
Safety of all users is the top priority. If a trail is known to experience high volume of pedestrian traffic, certain PDMDs may pose a safety risk to the operator and pedestrians.
3. **Trail design and characteristics.**  
Features of a particular trail may make it an unsafe place to operate PDMDs. For example: steep grades, sharp curves, uneven terrain, natural

obstacles, and blind intersections could all pose safety risks for operators and other users.

4. **Possible safety requirements you could adopt.**  
Trails are intended to be accessible to all users. If you choose to restrict the use of PDMDs, you must address what potential requirements for their use you could adopt, such as speed limits (see draft Manual Code 2527.7), and why you don't think those requirements would adequately protect all trail users.
5. **Substantial risk of serious harm to the environment, natural resources, or cultural resources.**  
Certain trails pass through sensitive areas. PDMDs may have an effect on important animal habitats and plant life around these trails. In evaluating this factor, keep in mind that minimal effects are allowed.

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If you decide to restrict access to all or certain PDMDs on a trail, you should **document your reasons** and **address each of the factors**. If you include other factors in your determination, be sure to specifically document those factors as well. You may also consider modifying your trails to allow for better access and safety. If trails are not open to PDMDs, be sure to make this information available online and at any information stations on your property. You should also try to post this information at key trail access points.

Assessment information about specific trails for the purposes of PDMD access should be submitted to the Accessibility Coordinator in Madison (LF/6) for posting to the internet.

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*This publication is available in alternative format upon request. Call for more information: 608-266-2183.*

