



United States Department of the Interior

NATIONAL PARK SERVICE

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December 14, 2006

Memorandum

To: Regional and Associate Directors
Attention: Park Superintendents

From: Director /s/ *Mary G. Bomar*

Subject: Use of Segways by Persons with Disabilities in the National Park System
Reply Due: January 19, 2007

The use of Segways or similar gyroscopic stabilized mobility devices must be addressed within National Park Service (NPS) areas. The NPS is seeking to determine if the use of mobility devices are appropriate for use in parks by individuals with disabilities.

The intent of the NPS is to evaluate the implementation of this directive in order to determine appropriate Servicewide policy and regulations on this issue. It should also be emphasized that this directive relates only to the use of these devices when used as the means of mobility for an individual who has a substantial mobility limitation in accordance with Title V of the Rehabilitation Act of 1973, as amended, and as defined in 43 CFR Part 17, Subpart E, Enforcement of Nondiscrimination on the Basis of Handicap in Programs and Activities Conducted by the Department of the Interior. It does not address the use of this device by individuals who are not covered by that definition. These devices, when used by individuals who do not have substantial mobility limitations, are still defined as “motorized vehicles” and are not allowed in the National Park System.

The Issue

In 2003, a new mobility device called the Segway Human Transporter became available. This device is a gyroscopically stabilized, battery-powered, personal transportation device. At the present time, this device is considered to be a motorized vehicle as defined under 36 CFR, Chapter 1, Part 1, entitled *National Park Service, General Provisions*, (1.4 Definition of Motor Vehicles) and as such is generally prohibited in the parks. Over the past several months, a number of parks have received requests from individuals with disabilities to use this device in the parks, as their primary means of mobility.

In 36 CFR, Section 1.4 excludes “motorized wheelchairs” from being a motorized vehicle but defines them as: “a self-propelled wheeled device, designed solely for and used by a mobility-impaired person for locomotion that is both capable of and suitable for use in indoor pedestrian areas.” The segway (or similar type) device is not “designed solely for” mobility-impaired persons; and thus, does not meet the definition of a motorized wheelchair as defined in 36 CFR, Chapter 1, Part 1. However, some individuals with disabilities use this device as their means of personal mobility, in lieu of more traditional devices like a wheelchair or scooter. This has created conflicts between park visitors and park managers because, while the device does not meet the definition of a motorized wheelchair as set forth in the regulation, it is being used in the same way as a motorized wheelchair. Concerns have also been voiced regarding how the park staff can ensure that an individual is an individual with a substantial mobility impairment, if we allow the use of the device as an accommodation for a disability.

NPS Position

The NPS has been studying this situation and has been reviewing policies and practices of other Federal agencies. We have also been advised that the Department of Justice Disability Rights Section is currently studying this issue and we expect further guidance from them in the future. At the present time, we have not established a Servicewide position on allowing this device when used by individuals with disabilities as their mobility aide. We believe that there are places where it can and should be allowed, while there may be other places where, due to safety issues or resource management issues, it should not be allowed. In order to evaluate the long-term effect of this issue and to assess the impacts on the diverse settings represented throughout the National Park System, the NPS has decided to temporarily allow each park superintendent to establish their own interim policies and practices regarding the use of Segways by people with disabilities in their particular park.

All park superintendents are directed to review this issue by January 19, 2007, for their individual park and make a decision on whether they can accommodate the use of this device. If the decision is made that you can accommodate it, you must do so. If you determined that they will not be allowed, you must state in writing the reasons for that determination. We also request that each park inform us of the decision that you make through the Regional Director by January 19, 2007. This information should be sent to the Acting Associate Director, Park Planning, Facilities, and Lands.

After further study and evaluation of this issue, the NPS will make a decision with regard to the development of a Servicewide policy and appropriate regulations. We ask each park superintendent to ensure that all staff that interacts with the public, including our concessions staff, be informed of your decision and take whatever steps are necessary to implement it.

If you have any questions regarding this issue, you may contact David Park, Accessibility Program Coordinator, at 202/513-7027.

cc: Associate Regional Directors, Park Operations