



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

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May 24, 2007

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Memorandum

To: Regional and Associate Directors
Attention: Park Superintendents

From: *(for)* Director /s/ **Daniel N. Wenk**

Subject: Use of Segways by Persons with Disabilities in the National Park System
Due Date: July 15, 2007

On December 14, 2006, the National Park Service (NPS) issued a memorandum entitled “*Use of Segways by Persons with Disabilities in the National Park System.*” That memorandum asked each park superintendent to establish his or her own interim policies and practices regarding the use of Segways, and similar devices, by people with disabilities in their particular park. The purpose of this memorandum is to extend the date for replying to that memorandum to **July 15, 2007**, and to provide additional information related to this issue. We emphasize that any decisions made by the parks at this time are interim ones.

As stated in NPS Management Policies, Section 8.2.4, and described in more detail in Director’s Order 42, the NPS is committed to making all reasonable efforts to make its programs, facilities, and services accessible to people with disabilities. The NPS has set a goal of ensuring that all people, including persons with disabilities, have the highest level of accessibility that is reasonable to our programs, facilities, and services in conformance with applicable regulations and standards. In May 2006, Associate Director Sue Masica reaffirmed this commitment in testimony on “Disability Access in the National Park System” before the Subcommittee on National Parks of the House Committee on Resources. Allowing the use of Segways in the parks by people with disabilities is part of this effort.

At the present time, 36 CFR Section 1.4 excludes “motorized wheelchairs” from the definition of “motorized vehicle,” and separately defines “motorized wheelchair” 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.” Section 1.2 (e) states that “the regulations in this chapter are intended to treat a mobility-impaired person using a manual or motorized wheelchair as a pedestrian, and are not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same regulations.”

As stated in the earlier memorandum, the Segway is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device. While the Segway (or similar device) is not “designed solely for” mobility-impaired persons and thus does not meet the definition of a motorized wheelchair in 36 CFR Section 1.4, some individuals with disabilities use this device as their means of personal mobility, in lieu of more traditional devices like the wheelchair or scooter. The issue the NPS needs to address is whether to revise the NPS regulations to extend the motorized vehicle exception that is already provided for motorized wheelchairs to include this device, and other similar devices, when it is used by an individual with a disability as his or her chosen means of mobility. Some agencies, including the Smithsonian Institution, the Kennedy Center for the Performing Arts, the San Diego Zoo, and the Federal Transit Administration, have already taken this approach. Also, as stated in the previous memorandum, we have been advised that the Department of Justice Disability Rights Section is currently studying this issue and will likely issue further guidance later this year.

After consulting with the Office of the Solicitor, we have concluded that allowing the use of Segways and similar devices by individuals with mobility disabilities is compelled by the Rehabilitation Act of 1973 and the Department of the Interior’s (DOI) regulations at 43 CFR Part 17, Subpart E, notwithstanding the NPS regulations discussed above. The Office of the Solicitor has advised that the Rehabilitation Act prohibits discrimination by any Federal agency in the conduct of its programs or activities. The DOI regulations do acknowledge that there are limits to accessibility in the outdoor environment and provide that when it is not reasonable to alter natural and physical features, Federal agencies may use alternative methods to provide access to the agency’s programs or activities. However, the agency must first determine if a reasonable modification of the agency’s policies, practices, or procedures can be made to provide access to individuals with disabilities.

The NPS believes that the use of Segways and similar devices by persons with disabilities may be appropriate in certain locations but may not be in others. We recognize that the National Park System contains a broad diversity of park areas with varying topography, surface characteristics, patterns of visitor use, and other attributes. This memorandum requests each superintendent to evaluate the particular circumstances of his or her park unit and determine where such mobility devices would or would not be appropriate. The NPS believes that you should give strong consideration to allowing the device for persons with mobility disabilities in areas where motorized wheelchairs are already allowed. Each park manager should document these determinations in writing, setting forth the reasons for finding areas appropriate or not appropriate. If the park manager determines that the park unit has areas where the use of Segways and similar devices by persons with

disabilities would be appropriate, then the park manager should also consider developing criteria for managing that use, including speed regulations, and other measures to minimize conflicts with other park visitors. The park manager should also include the designation of areas and criteria for use in the Superintendent's Compendium. The implementation of these decisions should take place as soon as possible but no later than July 8, 2007.

We request that you transmit these determinations to your Regional Director by **July 8, 2007**. The regional office will compile the park decisions and forward them to the Acting Associate Director, Park Planning, Facilities, and Lands by **July 15, 2007**. We also request that each park monitor the use of Segways or similar devices by people with disabilities, and keep a record of any questions, comments or issues that may arise related to their use. It is our intention to evaluate the effect of these designations on the parks and park visitors, beginning this process as soon as November 2007. The review will include seeking input from park staff with on-the-ground experience with this issue. After evaluating the information submitted by the parks, we will determine whether it is necessary to develop additional Servicewide policy or to propose revisions of the existing regulations.

We also ask each park superintendent to ensure that all staff that interacts with the public, including park concessions staff, be informed of your decision and take whatever steps are necessary to implement it.

Listed below are several web links to information regarding this device, its use by people with disabilities, and the decisions made by other agencies:

<http://www.segway.com/>

<http://www.segway.com/support/faq/frequently-asked-questions.html>

http://www.segway.com/downloads/pdfs/2006_Catalog.pdf

<http://www.segway.com/support/regulatory/html>

<http://www.draft.org/fradt3/>

<http://www.tc.gc.ca/tdc/publication/pdf/14500/14567e.pdf>

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

cc: Associate Regional Directors, Park Operations