

PUEENTE HILLS HABITAT PRESERVATION AUTHORITY

POLICY AND PROCEDURES GOVERNING 2010 AMENDMENTS TO THE U.S. AMERICANS WITH DISABILITY ACT (ADA) RELATING TO WHEELCHAIRS, SERVICE ANIMALS AND OTHER POWER-DRIVEN MOBILITY DEVICES ON PROPERTIES OWNED AND OR MANAGED

(ADA POLICY)

Section 1 Purpose

- 1.1 The purpose of this Policy is to provide guidelines for adhering to the United States Department of Justice final regulations revising the Americans with Disability Act (ADA) relating to nondiscrimination on the basis of disability in State and local government services on lands owned or managed (properties) by the Puente Hills Landfill Native Habitat Preservation Authority (Authority). These federal regulations were signed July 23, 2010, by the Attorney General and published in the Federal Register on September 15, 2010. The revised regulations amend the Department's Title II regulation, 28 C.F.R. Part 35, became effective on March 15, 2011 and were amended by final rule published on August 11, 2016 (hereinafter Federal Regulations). These Federal Regulations provide guidelines for access to local and state public trails for wheelchair use, service animals, and other power-driven mobility devices.
- 1.2 Whereas, the Authority was established to acquire, restore and maintain open space in the Puente Hills as a permanent protection for the native habitat. The Authority recognizes the importance of providing access to natural resources. To this end, it manages approximately 25 miles of public trails. The Authority has historically not allowed motorized use on its trails for recreational purposes.
- 1.3 Whereas, according the Authority's Resource Management Plan (RMP) public access and trail use are secondary to the primary goal of protection and enhancement of natural and cultural resources of Authority properties. Authority properties are within an area identified as a global hotspot for biodiversity and as such support important natural resources, including numerous habitats and species that are unique, rare and legally protected, as well as critical corridors for wildlife movement.
- 1.4 Whereas, the Authority properties are located in an area considered a high fire risk by the state of California Department of Fire and by the County of Los Angeles Fire Department.

- 1.5 Whereas, the Authority recognizes that the spirit of the revised regulations amending the Department's Title II regulation, 28 C.F.R. Part 35 is to encourage appropriate access to trails. The Authority's intentions are to balance the spirit of the law with the overall public safety, property resource value and the integrity of the trail system.

Section 2 Definitions

- 2.1 The following definitions are consistent with Federal Regulations.
- a. Wheelchair. Wheelchair means 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.
 - b. Service Animals. A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
 - c. Service Miniature Horses. The Federal Regulations require reasonable modifications in policies, practices, or procedures to permit use by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
 - d. Other Power-Driven Mobility Devices. Other power-driven mobility device (OPDMD) means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion' including golf carts, electronic personal assistance mobility devices (EPAMDSs), such as the Segway PT, or any mobility device designed to

operate in areas without defined pedestrian routes, but is not a wheelchair within the meaning of the Federal Regulations.

Section 3 Allowed Access

- 3.1 *Use of wheelchairs and manually-powered mobility aids.* Individuals with mobility disabilities that use wheelchairs (which include power-driven devices such as electric wheelchairs) and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities may access any areas open to pedestrian use. Because of slope, terrain and /or width it is not feasible to design some of the Authority trailheads and/or trails to meet ADA standards. ADA designed trailheads are indicated on trail maps found at www.HabitatAuthority.org.
- 3.2-3 *Service Dogs.* Service dogs are permitted on all trails. . The Authority may ask if the dog is required because of a disability and what work or task the service dog has been trained to perform but may not require documentation. If it is readily apparent that a service dog is trained to do work or perform tasks for an individual the Authority may not make these inquires, Service dogs are encouraged to be identified as such so as other trail users understand the dog's role so as to not disturb them, or to understand why a dog may be allowed special access in an area that does not permit non-service trained dogs. This measure will help deter abuse of the program by others. A service dog shall be under the control of its handler by harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of the harness, leash, or other tether would interfere with the service dog's safe, effective performance of work or tasks, in which case the service dog must be otherwise under the handler's control. The Authority may ask an individual with a disability to remove a service dog from the Authority properties if the animal is out of control and the animal's handler does not take effective action to control it.
- 3.3 *Service Miniature Horses.* Service miniature horses are permitted on trails subject to the Federal Regulation assessment factors that provide in relevant part that the Authority may consider: 1) the type, size, and weight of the service miniature horse and 2) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation, before allowing access. Service miniature horses are allowed on trails that can safely accommodate use by all horses. See trail maps found at www.HabitatAuthority.org. The Authority may ask if the service miniature horse is required because of a disability and what work or task the service miniature horse has been trained to perform but may not require documentation. If it is readily apparent that a service miniature horse is trained to do work or perform tasks for an individual the Authority may not make these inquiries, Service

miniature horses are encouraged to be identified as such so as other trail users understand the animal's role so as to not disturb them, or to understand why a service miniature horse may be allowed special access in an area that does not permit non-service trained miniature horses. This measure will help deter abuse of the program by others. A service miniature horse shall be under the control of its handler by harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of the harness, leash, or other tether would interfere with the service miniature horse's safe, effective performance of work or tasks, in which case the service miniature horse must be otherwise under the handler's control. The Authority may ask an individual with a disability to remove a service miniature horse from the Authority properties if the animal is out of control and the animal's handler does not take effective action to control it.

- 3.4 Use of other power-driven mobility devices. The Federal Regulations require reasonable modifications in policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless it can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with the Federal Regulations. The Authority has made the following determinations based on the assessment factors set forth in the Federal Regulations, which factors are described in Section 4 below:
- a. All-electric OPDMD that can access the trails from the trailheads are allowed immediate entry onto trails that accommodate their use.
 - b. Two-wheeled OPDMD that are powered by internal combustion engines, such as motorcycles or mopeds, are prohibited entry due to fire safety concerns.
 - c. Consistent with local jurisdictional ordinances, OPDMD with decibel levels exceeding 70 are prohibited from entry. This includes most all-terrain vehicles (ATVs).
 - d. All individuals with fuel-powered OPDMD need to follow fire safety precautions as detailed in Section 5.
 - e. If the OPDMD is not all-electric, it must be equipped with spark arresters or catalytic converters.
 - f. The speed limit is 5 miles per hour on trails that do not allow for bicycles.

Section 4. Assessment of Trails

- 4.1 Consistent with Federal Regulations, the Authority may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks, and not on mere speculation, stereotypes, or generalizations

- about individuals with disabilities. The Authority may impose legitimate safety requirements necessary for the safe operation of services, programs, or activities.
- 4.2 *Assessment factors.* In determining whether a particular other power-driven mobility device can be allowed on a specific trail, the Authority shall use the federal guidelines. If one of the below issues prevents the use of a specific class of other-driven powered device, that device may be denied use in the section of trail where that is an issue:
- a. The type, size, weight, dimensions, and speed of the device;
 - b. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
 - c. 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);
 - d. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
 - e. 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.
- 4.3 Information regarding OPDMD trail access is available on-line at www.HabitatAuthority.org.

Section 5 Access Requiring a Permit

- 5.1 All-electric OPDMD that can access the trails from the trailheads are not required to apply for a permit. Should a device need access through a locked gate due to its size or some other reason, then a permit is required.
- 5.2 For protection of natural sources from vandalism, harm, harassment, fire, and for protection of recreationists by unauthorized motorists, Authority properties are gated. Access through the locked gates require coordination with Authority staff.
- 5.3 Grant of Access. Requests for OPDMD access through Preserve gates by recreationists will be provided by permit. The permit may be applied for on-line or by contacting the Authority's ADA coordinator.
- a. The permit identifies the individual (Preserve Road/Trail User) responsible for the OPDMD . It also gathers contact information, describes the stated use, defines timeframe for access, confirms the motorized device is for use because of a disability, requires proof of vehicular insurance, and sets guidelines for

safety precautions including for fire as it pertains to devices with fuel powered engines.

- b. The following safety precautions must be taken by a Preserve Road /Trail User:
 - i. Before entering the Property from the period from May 1 through November 15 or during any other high fire hazard time, the Preserve Road /Trail User shall call the Authority 562.945.9003, extension 5# for updated trail status information. Motorized Trail User can also call the Ranger Services at (310) 858-7272, extension 227 to make sure it is safe to enter the Property, and shall not enter if the fire department prohibits or advises against it or if rangers of the Authority prohibit entrance. Rangers may contact the Preserve Road /Trail User and order that access be limited or prohibited due to extreme fire hazard.
 - ii. Preserve Road /Trail User User is required to do everything reasonably possible to not block emergency vehicle access on the trails, to not block trails for other trail users, and to prevent fires in the conduct of their activities, including not leaving the device unattended and not stopping or parking over vegetation at any time.
 - iii. Preserve Road /Trail User shall immediately report any fire discovered on or around the Property to the fire department by calling 911.
 - iv. All fuel-powered OPDMD must be equipped with properly maintained spark arresters and catalytic converter exhaust systems.
 - v. OPDMD must remain on Preserve roads.
 - vi. Preserve Road /Trail User shall not disturb any vegetation on Authority owned/managed land. No access is allowed 48 hours after a rain or longer until the trails are dry as determined by the rangers. The Preserve Road /Trail User may call the Authority at 562.945.9003, extension 5# at any time for a status update of whether the trails are open or not.
- c. Preserve Road /Trail User must display the Authority issued permit on his or her vehicle dashboard.
- d. Upon issuance of the permit, Preserve Road /Trail User will be provided the combination for the Authority locks that will enable him or her access onto

Authority gated properties.

- e. Gates shall be locked by the Preserve Road /Trail User immediately after all ingress or egress. At no time shall the gates be left open.
- f. The maximum speed limits on Preserve roads/ trails is 15 miles per hour or less if conditions warrant for safety of natural resources, other users, or the Preserve Road /Trail User .
- g. Permits shall be limited to one OPDMD each or up to three (3) other power-driven mobility devices if covered under the same insurance policy.
- h. The Preserve Road /Trail User must provide proof of vehicular insurance complying with California's minimum requirements if the vehicle owner is required by law to acquire insurance.
- i. Permits are issued for a term of up to twelve months and are renewable on an annual basis.

5.4 All visitors shall follow posted park rules of the Authority properties, which are currently enforced by the Mountains Recreation and Conservation Authority (MRCA). Current park rules are the most recent version of the MRCA Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof.

5.5 Limits on the number of permits granted on a monthly and/or yearly basis may be established at a time in the future as deemed necessary to protect natural resources, protect the safety of the public, or due to some other reason as described in Section 4.2.

Section 6 Enforcement

6.1 If the permit is violated at any time, it can be revoked immediately by the Authority or its agents.

6.2 The Authority properties including its trail use are governed by the Authority RMP, and it's Board of Directors.

6.3 The Authority currently contracts with the MRCA for ranger services which may enforce any pertinent laws including the MRCA Ordinance. Should the Authority contract with a different agency for enforcement of park rules, then regulations and fee structures enforceable by that entity shall apply.

6.4 Grievances or complaints about this policy or allowable access can be made by contacting the ADA Compliance Officer, designated as the Authority Executive

Director, at 562.945.9003, info@habitatauthority.org, or by mail to Habitat Authority, 7702 Washington Avenue, Suite C, Whittier, CA 90602.