

# **PUEENTE HILLS LANDFILL NATIVE 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, and go into effect March 15, 2011. 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 are 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 guidelines.
- 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 or miniature horse 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. Other Power-Driven Mobility Devices. Other power-driven mobility devices (OPDMD) include a range of devices powered by batteries, fuel, or other engines and are not designed for individuals with mobility impairments, but are often used by individuals with disabilities as their mobility device of choice. "Other power-driven mobility devices" are permitted to be used unless the Authority can demonstrate that such use would fundamentally alter its programs, services, or activities, create a direct threat, or create a safety hazard.

## **Section 3 Allowed Access**

- 3.1 Access requests for OPDMD requiring passage through Preserve gates will be processed on a case-by-case basis until the time in which an assessment of all public trails managed by the Authority has been conducted in accordance with federal guidelines.

- 3.2 Use of wheelchairs and manually-powered mobility aids. Individuals with mobility disabilities that use wheelchairs (which includes 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 are able to have immediate access to any areas open to pedestrian use at locations that accommodate their entry.
- 3.3 Service Animals. Service dogs permitted on all trails. Service miniature horses will be allowed only on trails that allow for horses. Trails that do not allow for horses are posted as such because of the condition of the trail or due to conflict with other user groups. Service animals are encouraged to be identified as such so as other trail users understand the animals' roles 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. The Authority may ask an individual with a disability to remove a service animal 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 Authority shall make reasonable modifications in its 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 federal regulations.
- 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 A map indicating appropriate limited access by other power-driven mobility devices shall be made available by the Authority within a reasonable timeframe after the trails assessment described in Section 4.2 has been completed.

## **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 responsible for the OPDMD ( Preserve Road /Trail User). 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 Park 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 its 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](mailto:info@habitatauthority.org), or by mail to Habitat Authority, 7702 Washington Avenue, Suite C, Whittier, CA 90602.

**APPLICATION FOR PERMIT**  
**For Other Powder-Driven Mobility Devices**

I, \_\_\_\_\_ (print name) would like access in the Puente Hills Preserve ***for recreational purposes using an other power-drive mobility device (OPDMD)***, defined as a range of devices not designed for individuals with mobility impairments, but which are often used by individuals with disabilities as their mobility device of choice.

The undersigned acknowledges that there are inherent risks, which are voluntarily assumed, involved in the use, activity and or event above described.

I and guests agree to obey Puente Hills Landfill Native Habitat Preservation Authority site representatives, posted rules and attached rules (Exhibit A) at all times, and provide proof of appropriate auto insurance as required by the state of California before access into the Preserve is granted.

This permit must be displayed on the dashboard while in the Preserve.

Data To Be Furnished. Term for permit of access, if less than one year, and if using an unmarked vehicle, license plate numbers must be furnished to the Habitat Authority.

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Sign	Date
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Contact Information:

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

OPDMD License plate number \_\_\_\_\_

Type of Vehicle (OPDMD) \_\_\_\_\_

Approved and issued by the Habitat Authority \_\_\_\_\_  
(signature) Executive Director          Date

**Exhibit A**  
**OPDMD**

The following are specified safety requirements for other power-driven mobility devices (OPDMDs). The responsible party (Preserve Road/Trail User) and their guests shall follow the below guidelines:

- i. No smoking is permitted on the Puente Hills Landfill Native Habitat Preservation Authority (Habitat Authority) Property or managed Property (both herein referred to as Property), nor, is any open flame.
- ii. 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 Habitat Authority (562.945.9003, extension 5# for updated trail status information. Preserve Road/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.
- iii. Preserve Road/Trail User is required to do everything reasonably possible to not block emergency vehicle access on the road/trails, to not block roads/trails for other users, and to prevent fires in the conduct of their activities, including not leaving the OPDMDs unattended and not stopping or parking over vegetation at any time.
- iv. Preserve Road/Trail User shall immediately report any fire discovered on or around the Property to the fire department by calling 911.
- v. All fuel-powered OPDMDs must be equipped with properly maintained spark arresters and catalytic converter exhaust systems.
- vi. Other OPDMDs must remain on maintained roads/trails.



- vii. Preserve Road/Trail User shall not disturb any vegetation on Authority owned/managed land.
- viii. No access is allowed 48 hours after a rain or longer until the roads/trails are dry as determined by the rangers. The Preserve Road/Trail User may call the Habitat Authority at 562.945.9003, extension 5# at any time for a status update of whether the trails are open or not.
- ix. 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.
- x. The maximum speed limits on trails is 15 miles per hour or less if conditions warrant for safety of natural resources, other users, or the Preserve Road/Trail User.