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### **Conemaugh Valley Conservancy (CVC) West Penn Trail Handicapped Accessibility Policy**

The Department of Justice has amended its regulation implementing Title II and Title III of the 1990 Americans with Disabilities Act (ADA). The amended regulations require organizations managing trails that are open to the public to conduct an assessment to determine if individuals with mobility disabilities can be accommodated on all or portions of the trail using “other power-driven mobility devices.”

The Conemaugh Valley Conservancy has reviewed the ADA regulations and has made reasonable modifications in its policy to permit the use of other power-driven mobility devices by individuals with mobility disabilities. This revised policy was developed using a series of Assessment Factors contained in the regulations.

#### Conemaugh Valley Conservancy West Penn Trail Accessibility Policy

After analyzing the above-referenced Assessment Factors, it has been determined that persons with a mobility disability may use:

- **Any electric propulsion device on the West Penn Trail that does not exceed 750 watts or 1-HP in power and is no wider than 36 inches.**
- **All power driven wheelchairs are also permitted.**
- **No other power driven devices may be used, including but not limited to any gas or similarly powered combustible fuel devices, ATV's, golf carts, or dirt bikes.**

Furthermore, the CVC has established a **maximum trail speed of 20 mph** for all devices operated on the trail, regardless of whether the device is a power-driven or non-power driven device.

Note that Pennsylvania law requires **all children under the age of 12** operating devices of any kind to wear helmets. The CVC strongly encourages *all* trail visitors using motorized or non-motorized devices to wear helmets for safety.

Also note that the West Penn Trail is **closed to all users at dusk each day**. In addition, the switchback section of the Conemaugh River Lake Section, which traverses what is referred to as Bow Ridge, **consists of a steep grade unsuitable for anyone riding either a power-driven or non-power-driven device, either ascending or descending**. At the ascending point, all users must be able to negotiate a flight of stairs to access the beginning of the switchback.

All trail users are advised that the Conemaugh River Lake Section is **subject to periodic flooding. Water levels can rise quickly**.

### **IMPORTANT NOTE!**

With the adoption of this policy, the CVC is temporarily **excluding from compliance with the policy that portion of the West Penn Trail leased from the U.S. Army Corps of Engineers (USACOE) as well as trails on USACOE property at the Conemaugh River Lake**. As a federal entity, the USACOE is not required at this time to comply with the amended ADA regulation. However, the USACOE is reviewing the CVC policy to determine if it can voluntarily comply with the policy in order to provide enhanced access to persons with mobility disabilities. Once a decision is made by the USACOE, public notice will be provided.

### Validation of Mobility Disability

Persons with a mobility disability may show a valid, State-issued, disability parking placard or card, or other State-issued proof of disability that has been issued to them, or they may state that they are using the mobility device due to a mobility disability. The trail organization representatives may not ask about the nature and extent of the individual's disability. The rule also adds that the claim of a mobility disability must be considered valid as long as it is not contradicted by observable fact.

This policy takes effect on March 15, 2011.

### Copies of Policy & Questions/Comments

A copy of the entire policy, including a discussion on the CVC's application of the Assessment Factors, may be obtained in written or digital form by contacting the CVC at [JQKA@atlanticbb.net](mailto:JQKA@atlanticbb.net) or 814.479.7162. Additional information, questions or comments may be directed to the CVC at this email address or telephone number.