



## Law, Regulation and Policy for Wheelchair/Mobility Device Use

### Federally Designated Wilderness

(1) IN GENERAL – Congress reaffirms that nothing in the Wilderness Act prohibits wheelchair use in a wilderness area by an individual whose disability requires its use. The Wilderness Act requires no agency to provide any form of special treatment or accommodation or to construct any facilities or modify any conditions of lands within a wilderness area to facilitate such use.

(2) Definition – for the purposes of paragraph (1), the term wheelchair means a device designed solely for use by a mobility impaired person for locomotion, that is suitable for use in an indoor pedestrian area.”

(American with Disabilities Act, Title V Section 508 (c))

*The following CFR and FSM apply in ALL areas of the National Forest System*

### **36 Code of Federal Regulation (CFR) 212.1**

“Motor Vehicle. Any vehicle which is self-propelled, other than:

(1) a vehicle operated on rails; and

(2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.”

### **Forest Service Manual 2353.05**

“Wheelchair or Mobility Device. A device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area. A person whose disability requires use of a wheelchair or mobility device may use a wheelchair or mobility device that meets this definition anywhere foot travel is allowed.”

**Application of definition of a Wheelchair** (per ADA Title V Section 508c; 36 CFR 212.1 and FSM 2353.05): “Designed solely for use by a mobility-impaired person” means that the original design and manufacture of the device was only for the purpose of mobility by a person who has a limitation on their ability to walk. A wheelchair or mobility device, even one that is a battery powered, that meets this definition is allowed anywhere foot travel is allowed even in federally designated Wilderness.

“Suitable for indoor pedestrian use” means the device would be allowed to be used inside a courthouse, the food court of a mall, etc. on the wood, carpeted or tile floors. Also the

Architectural Barriers Act Accessibility Standards (ABAAS) standard for clear passage through a gate or a doorway is 36 inches. So will the device fit through? If the answer is “Yes” to all that device is allowed anywhere foot travel is allowed including in federally designated Wilderness.

### **Wilderness Specific Regulations:**

The Forest Service has no specific regulations policy related to accessibility or the use of wheel chairs in wilderness. General guidelines to meet the intent of applicable laws for accessibility, universal design, and barrier free access apply across all national forest lands.

### **Policy:**

Note - Under Section 4c of The Wilderness Act, all forms of mechanical transport and motorized equipment are prohibited. The following is the Forest Service definition of equipment and devices that are prohibited because they are forms of mechanical transport or motorized equipment.

### **Forest Service Manual 2320.5 - Definitions**

*Note - The following definition applies to the use of wheel chairs in wilderness:*

3. **Mechanical Transport.** Any contrivance for moving people or material in or over land, water, or air, having moving parts, that provides a mechanical advantage to the user, and that is powered by a living or nonliving power source. This includes, but is not limited to, sailboats, hang gliders, parachutes, bicycles, game carriers, carts, and wagons. **It does not include wheelchairs when used as necessary medical appliances.**

*Note – The following definition applies to medical appliances that contain a motor or that rely on motorized equipment such as a generator.*

4. **Motorized Equipment.** Machines that use a motor, engine, or other nonliving power sources. This includes, but is not limited to, such machines as chain saws, aircraft, snowmobiles, generators, motor boats, and motor vehicles. It does not include small battery or gas powered hand carried devices such as shavers, wristwatches, flashlights, cameras, stoves, or other similar small equipment.