



## LOS ANGELES COMMUNITY COLLEGES

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### RISK MANAGEMENT

**TO:** Vice Presidents of Administrative Services

**FROM:** David Serrano, Risk Manager

**DATE:** March 17, 2016

### **Information on the use of golf carts at the Colleges**

Recently, Risk Management has been requested to provide information on the use of golf carts at the Colleges, to transport people for a variety of reasons. There are three main issues in dealing with the use of golf carts on each College campus.

#### ***I. Cannot Use Golf Carts (powered industrial trucks) to Transport People (student/faculty/staff escort services)***

District policy prohibits unauthorized passengers from riding on the powered industrial truck (golf cart). Unauthorized passengers include students, co-workers coming and going to their automobiles or offices/classes (escort services). Colleges may have a powered industrial truck (golf cart) designed for emergency transport purposes (such as your Athletic Trainers), that meets all requirements outlined in District guidelines (Powered Industrial Trucks, FC -08, proposed revision #7).

#### ***II. Can Use Golf Carts on Campus for regular work duties (no passenger transport)***

The District has adopted a policy and guide regarding the use of golf carts or other motorized transportation devices for use on each College Campus. The District's policy authorizing the operation of a powered industrial truck (motorized vehicle) as part of employee duties requires the driver to have a valid California Drivers' License (valid as determined by the DMV) and acceptable driving record (acceptable as required by the District's excess insurance carrier), and to undergo operator (driver) training.

With respect to the use of golf carts and other industrial motorized vehicles/trucks used on campus, the District's policy generally has a two-step process to follow before any person can be allowed to operate (utilize) a motorized transportation device on campus, which consists of the following:

A. DMV Pull Notice and Driver's License check:

The District participates in the California Department of Motor Vehicles (DMV) Pull Notice system where by each driver submits a form with Risk Management authorizing the District to be directly notified of any actions taken by the DMV on any registered license. The DMV also provides electronic communication to the District regarding the validity of a driver's license.

B. Training in safe operation and defensive driving techniques:

Before using any piece of equipment (powered industrial truck), Cal/OSHA requires employers (managers, supervisors) to provide training their respective employees in the safe use and operation of the equipment. The District has a requirement that before any person uses a motorized transportation device on campus, the employee must undergo safe driving and defensive driver training, through the District's Environmental Health & Safety Specialist (EH&S) or through one of the campus trainers (Train the trainer program).

Consequently, if you have not submitted DMV Pull Notice forms to the Risk Management Department and have not provided the operator training for your employees, you should not allow them to drive or operate powered industrial trucks (motorized vehicles) on campus.

### ***III. Cannot Use Golf Carts for ADA Purposes***

Please be advised, the Office of General Counsel has recently opined:

**“There is no court decision requiring any of you to provide ADA shuttle service on campus. Any and all ADA accommodations must be provided only on a case-by-case basis and after a one-on-one interactive with the disabled person.”**

From the risk management perspective, using golf carts as a shuttle service poses significant liability issues to the College and District. First and foremost is the requirement that all services comply with ADA requirements (please see links below for the District's ADA Compliance Administrative Regulations). The shuttle service may be likened to a transit service (public conveyance), and could require the same ADA Compliance elements (carts are required to be configured for ADA accessibility, and all operators are required to undergo ADA Service training; path of travel would have to be evaluated, and either demand-for-service (portal to portal) guidelines followed, or zone routing guidelines followed – that require specific path of travel/route analysis for pick-up/drop-off zones, building access, etc...).

The District guidelines can be found at

<http://www.laccd.edu/About/Documents/AdministrativeRegulations/B-31.pdf>

<http://www.laccd.edu/About/Documents/AdministrativeRegulations/B-31.docx>

<http://www.laccd.edu/About/Documents/AdministrativeRegulations/B-32.pdf>

<http://www.laccd.edu/About/Documents/AdministrativeRegulations/Form B-32A.docx>

<http://www.laccd.edu/About/Documents/AdministrativeRegulations/B-33.pdf>

<http://www.laccd.edu/About/Documents/AdministrativeRegulations/B-34.docx>

The following sites may assist with accessibility guidelines – for Title I (employment); Title II – State and Local Government; Title III – Public Accommodations and Commercial facilities

<http://www.ada.gov/>

<https://www.access-board.gov/guidelines-and-standards>

As mentioned above, even when evaluating the use of shuttle services on campus for ADA purposes, you must meet all of the requirements set forth in the guidelines addressed above.

Please note, since none of the industrial powered trucks and electric carts meet ADA requirements, and since our current policies do not contemplate the use of such electric carts as a shuttle or public conveyance system, it is recommended each College not authorize or provide such services.

Please consult David Serrano and Joseph Cartwright before providing any transportation to any disabled person, or when transportation becomes an issue during an ADA Interactive meeting.

