

## **Policy Regarding Use of Other Power Driven Mobility Devices (OPDMDs) City of Aurora**

### **Background**

A 2011 Department of Justice (DOJ) ruling mandates state and local government to assess whether various kinds of other power-driven mobility devices (OPDMDs) can be used on their facilities by individuals with mobility disabilities. Under the Americans with Disabilities Act (ADA) Title II, this DOJ rule applies to trails on state or local government lands. To assist state and local government agencies with these assessments, DOJ published assessment criteria to be used to determine safety, environmental and capacity concerns related to power-driven device access to public areas.

### **What is an OPDMD?**

An “other power-driven mobility device” is defined in the rules as: “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 cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.”

Note: Any device that meets the ADA definition of a wheelchair is allowed to be used wherever foot travel is allowed. ADA defines a wheelchair as “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.”

### **Trail Assessments**

The city of Aurora has completed an assessment of trails within its park and open space system to determine the extent to which it is able to make reasonable modifications in City policies, practices, or procedures to allow the use of OPDMDs. Information about Safety Requirements and Criteria for Use of OPDMD devices is provided below.

### **OPDMD Safety Requirements and Criteria for Use**

Individuals with mobility disabilities may use OPDMDs on trails within Aurora parks and open space properties for purposes of locomotion, as long as the OPDMD meets the following criteria:

1. **Width:** Wheelbase width of the OPDMD must not exceed forty percent (40%) of the total trail width to allow passage of pedestrians and others without going off trail.
2. **Length:** Able to maneuver around corner radius without going off trail.
3. **Weight:** Must not cause displacement of trail material due to weight, including the weight of the OPDMD and passenger.
4. **Power Source:** Non combustible motor with a maximum noise level not to exceed 55 decibels. No fuel powered engines are allowed.
5. **Maneuverability:** Capable of adapting to diverse trail conditions, including but not limited to increase/decrease in grade/slope; changes in topography; variable surfaces.
6. **All other established Rules and Regulations for Parks, Open Space and Reservoirs** apply to the use of OPDMDs. At no time shall the OPDMD impact natural ecosystems, cause damage to the trail, turf or property, be a detriment to historical or cultural features, or negatively impact other users of the property or neighboring property by physical contact or noise.

### **Limitations for use of OPDMDs in City Open Space Areas, Parks, Reservoirs and Trails**

1. Hard surface trails (including concrete and asphalt), soft surface trails (crusher fines), observation platforms, overlooks, shade shelters, boat docks and piers were designed and constructed for use by pedestrians and individuals with mobility disabilities who utilize electronically-powered or manually powered mobility aids. An individual with a mobility disability may use an OPDMD

meeting the above criteria on any concrete or crusher fines or paved trail, observation platform, overlooks, shade or picnic shelter, or boat dock or pier provided that it is operated at a speed that does not exceed the posted speed limit.

2. The OPDMD operator must not use or operate such a device at an open space or park if the use of the device causes damage to the trail or facilities. The City reserves the right to temporarily suspend the use of City trails or facilities based on current conditions that may affect the safety of the OPDMD user or other members of the public and/or harm to the immediate environment or natural or cultural resources, such as weather, trail conditions and volume of pedestrian traffic. Use of OPDMDs within any park or open space area must be in a safe manner and is at the risk of the user. OPDMDs may not be used off trail in any park and open space. **Individuals with mobility disabilities should carefully consider whether their mobility device can safely operate given the existing conditions.**
3. Hours of use: OPDMDs must adhere to posted park hours and gate closing times. Typically the non-lighted areas post hours from Dawn to Dusk. Most urban parks and lighted areas post hours from 5a.m. to 11p.m.
4. Emergency Access and Egress: OPDMD users are advised some areas have access gates, feeder trails and/or bridges that are much narrower than the entry point or main trail corridor, some of which serve as emergency exits. For example, the Aurora Reservoir Trail is 10 feet wide and thus allows for an OPDMD with 48-inch wheelbase. However; Gate #4 serves as an emergency exit point and only allows for 32 inches of clearance.
5. Facility Amenities or Lack Thereof: Many properties have long sections of trail that do not provide any amenities or services. OPDMD battery life and/or needs of the operator should be considered prior to entering the property.
6. Additional use and safety requirements that apply to OPDMDs used in City open space areas, parks, reservoirs or trails:
  - a. City personnel may request that a person using an OPDMD provide credible assurance that the OPDMD is required because of the person's disability.
  - b. The person operating the OPDMD cannot carry another person.
  - c. No OPDMD shall be operated while the operator is under the influence of alcohol, drugs or any other intoxicating substance.
  - d. The OPDMD must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, City employees, or other persons.
  - e. The City does not accept responsibility for storage of any OPDMD.
  - f. The City does not accept liability for damage to the OPDMD, or injury to the operator, whether caused by the operator, another visitor to a City park, open space, trail or facility, or any other circumstance.
  - g. The City does not accept liability for damage caused by the operator of the OPDMD, or injury to others caused by the operator of such device.
  - h. The City reserves the right to change, modify, or amend this policy at any time, as it would any other policy.