



## Mobility Device Use Policy

The U.S. Department of Justice (DOJ) has adopted revisions to Title II and III of the Americans with Disabilities Act (ADA) that take effect March 15, 2011. The definition and regulation to permit the use of mobility devices has been amended. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices" (OPDMD's).

The DOJ requires that each group which owns a trail(s) "make reasonable modifications in its policies, to permit the use of OPDMD's by individuals with mobility disabilities. However, if a group can demonstrate that certain OPDMD's cannot be operated safely on their trails those devices can be prohibited.

Therefore, the Allegheny Valley Trails Association (AVTA) adopts the following policies concerning the use of mobility devices by individuals with mobility impairments. To accommodate mobility disabled persons:

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1. Wheelchairs and similar devices built specifically for mobility disabilities are allowed. Individuals with mobility disabilities are permitted to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. The organization recognizes and adheres to the ADA definition of wheelchair listed in the definitions section of this policy.
2. Other Power-Driven Mobility Devices (OPDMD's), not specifically designed for disabilities, may be used provided:
  - a) Motors on electric devices are 750 watts or less,
  - b) Devices weigh less than 100 lb. (43kg),
  - c) Devices are no more than 36" wide,
  - d) Devices must be capable of being turned around within the trail tread in a safe manner.
  - e) Devices must have the capacity to safely negotiate trail features and obstructions.

Other Power Driven Mobility Devices (OPDMD's) are not designed specifically for mobility disabled individuals, but may be used by others without disabilities. That difference is recognized by this policy which adheres to the ADA definition as listed in the definitions section of this document. It is also recognized that OPDMD's constitute a large and varied group of vehicles including, but not limited to, golf carts, Segways, cycle cars, electric bikes, electric ride-ons, powered scooters, velomobiles, and trikes.

By adopting these policies AVTA is not representing that their properties are safe for use by an OPDMD and it is not assuming any liability. Certain risks are inherent in the use of the properties and all users must exercise reasonable care.

3. No internal combustion devices are permitted

Each trail has been assessed to determine these policies based on the following factors suggested by the DOJ. Requirements for prohibition must be based on actual risks.

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) 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);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (v) 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.

(Full text and information of regulations and assessment factors can be found at <https://www.ada.gov/law-and-regs/>)

### **Rationale for Above Listed Policies**

#### **Preface:**

The trail(s) owned and/or operated by AVTA have been designed and constructed for nonmotorized uses such as bicycling and walking (unless otherwise specified, i.e. share-the-road segments). The main funding sources used in the design and construction also had as a requirement that the trails be for non-motorized use. There is a heavy volume of local, regional, national, and international trail users that have come to expect a safe, relaxed, quiet environment without the concerns related to automobile centric spaces. Trail users range in age from infants to young children, adults and seniors. Walkers use the trail singly and in company with others. Families walk or bicycle together, parents enjoy the out-of-doors pushing baby strollers or pulling trailers, and children and seniors are regularly found in friendly groups. The culture of the trail environment has been established to be a low key, relaxed travel, comfortable environment.

The trail(s) has been built in a rural, natural environment including areas of sensitive natural resources such as wetlands, waterways and unique habitats. Other cultural and historical artifacts are also evident along the corridor. Some segments of trail(s) may enter small town environments that may have other regulations regarding use of OPDMD's.

The AVTA believes that persons with mobility disabilities are welcome the same as any other trail user. The trail(s) have been designed and constructed following ADA specifications allowing many who would not be able to enjoy the pleasures of outdoor recreation a chance to experience what others have found to be an exceptional asset in western Pennsylvania. We also believe that limiting the sound, potential emissions, size, weight, power and speed of trail use devices is necessary to maintain this established and expected environment and to protect the natural and cultural resources found along the trail(s). In order to permit many different users to share the same limited and linear space, the rules can be adjusted, but must be structured to allow users to pass each other safely and interact together in that limited space.

We believe that the policies listed above and the justifications for those policies meet the intent of the ADA regulations by allowing other mobility devices, and at the same time maintaining the existing trail

culture and the safety of all visitors.

Assessment Factors:

(i) The type, size, weight, dimensions, and speed of the device;

The DOJ requirements for prohibition include speed as a parameter for regulating OPDMD's.

AVTA accepts the Pennsylvania General Assembly definition of e-bikes Session of 2014 No. 2014-154.

"Pedalcycle with electric assist." A vehicle weighing not more than 100 pounds with two or three wheels more than 11 inches in diameter, manufactured or assembled with an electric motor system rated at not more than 750 watts and equipped with operable pedals and capable of a speed not more than 20 miles per hour on a level surface when powered by the motor source only."

Much of the trail has been built to 8' specifications. Also the shoulders tend to be soft, and surrounding vegetation encroaches from the edges. With two way traffic, that gives a 4' or less lane width for vehicles to pass. Any device wider than 3' begins to encroach on the opposite lane and becomes a safety hazard. Bicycles easily fit this width requirement. A search of the typical equipment available today indicates most are within that width. In addition, bollards at trail access areas and road crossings have openings of approximately 36" and thus are significant barriers to wider vehicles.

(ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

A 2006 Trail Utilization Study of trails in this region determined that an estimated 160,000+ people use the trails (<http://www.avta-trails.org/Studies-Surveys.html>) in the regional system. Viewing the various access points and parking areas during the summer months shows a high volume of trail users at all times of the day. Use of high speed or heavy/large vehicles would present a danger to this volume of non-motorized users.

(iii) 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);

This factor refers to indoor facilities and thus is less applicable to a trail. But the design includes stationary bollard placed within the travel lane at road crossings and access areas to prevent unapproved access. Trail users cannot move or adjust these bollards. The original intent and expected operational characteristic of the trail is for non-motorized two way traffic use where users can safely pass each other.

(iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility;

While safety requirements, such as a speed limit, could be created and posted on the trail, it would be difficult to enforce since the AVTA is a volunteer organization with no enforcement personnel or capabilities. Other physical factors, such as the remote area of some segments of trail and limited sight distances, are also prohibitive in the use of larger, wider or faster devices. Those segments of trail that share the road or use municipal sidewalks or parking areas are governed by the rules and regulations established for such areas.

(v) 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.

The trail(s) is constructed in a natural setting with vegetation and/or waterways directly adjacent. OPDMD's typically have wider wheels and have the power to cause damage such as crushing of vegetation or erosion of soil.

Internal combustion powered devices, gasoline, diesel or propane, are inherently loud, emit unpleasant, possibly noxious fumes and have the possibility of spilling or leaking toxic substances. The noise and fumes do not fit in with the natural qualities of the trail, and present a potential danger to users as well as the adjacent vegetation and wildlife. Those segments of trail that share the road or use municipal sidewalks or parking areas are governed by the rules and regulations established for such areas.

Definitions:

**ADA Part 35 (Title II) - § 35.104 Definitions.**

**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. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

**Other power-driven mobility device** means 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. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

Adopted this \_\_\_\_\_, 2011 by the Board of Directors of the Allegheny Valley Trails Association

Secretary:

President:

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