

City of Columbia Parks and Recreation	Policy: Use of Other Power Driven Mobility Devices (OPDMD)		
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Policy Statement

The intent of this policy is to provide guidance, consistent with federal law, for the operation of Other Power Driven Mobility Devices (OPDMDs) by persons with mobility disabilities at Columbia Parks and Recreation’s trails.

Definitions

Other Power-Driven Mobility Device (OPDMD): Any mobility device powered by batteries, fuel, or other engines -- whether or not designed primarily for use by individuals with mobility disability – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

Person with a disability: An individual who has a physical or mental impairment that substantially limits one or more of that individual’s major life activities, which activities include, but are not limited to walking and standing.

Wheelchair: 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 outdoor locomotion that does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

General

A person with a mobility disability may operate an OPDMD on Columbia Parks and Recreation’s facilities that are open to pedestrian use in a manner consistent with this OPDMD Policy.

Eligibility

A person with mobility disabilities may operate an OPDMD where it is necessary to provide that person meaningful access to these facilities, provided the person complies with the legitimate safety requirements as stated herein.

In order to determine eligibility under this policy, the Parks and Recreation Department may require credible assurance the OPDMD is necessary because of a person’s mobility disability. Credible assurance can be either (a) a state-issued disability placard;

(b) another valid, state-issued proof of disability; or, (c) verbal assurance from the individual that is not contradicted by observable fact.

Additional Provisions

The Parks facility manager or his or her authorized agent, may grant, condition or deny permission for program or facility access as long as the determination is based upon non-disability related factors. Such reasons may include documentable safety concerns, protection of the environment and/or maintenance issues.

A person with a disability cannot be denied the opportunity to participate in a program that is open to everyone. To participate, any person with or without a disability, must meet the criteria for the program and abide by restrictions for that program in that area.

A public entity shall permit individuals with mobility impairments to use wheelchairs, mobility scooters, walkers, crutches, canes, braces, or similar devices designed for use by individuals with mobility impairments in any areas open to pedestrian use.

OPDMD Use Assessments

The following provisions apply to any activity wherein a person with a mobility disability uses an OPDMD.

Any trails designed as ADA accessible are open to individuals with mobility disabilities using OPDMDs that meet the provisions stated in this policy and as outlined in City Code § 17-44, as noted below:

(a) **Use of mobility aids.** 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 area open to pedestrian use. Individuals with mobility disabilities are permitted to use power-driven mobility devices in any area open to pedestrian use in a park unless the director adopts a regulation pursuant to this section.

(b) **Regulations on use of power-driven mobility aids.** The director is authorized to establish regulations related to the use of a power-driven mobility device if the director determines that a particular power-driven mobility device cannot be operated in accordance with legitimate safety requirements. In determining whether to adopt a regulation related to the use of a power-driven mobility device in a specific park, the director shall consider:

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

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

(3) 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);

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

(5) Whether the use of the 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.

A regulation adopted pursuant to this section shall be posted in the applicable park, the director's office and on the city's website.

In addition to meeting the assessment requirements of City Code § 17-44, the use of the OPDMD must also comply with the provisions in Chapter 17 of the City Code, Missouri State Parks Regulation 10 CSR § 90-2.020(12), and Federal ADA Regulation 28 CFR § 35.137.

- Allowable OPDMD devices on City trails:
 - With respect to multi-use trails, the City will assess all requested devices on a case-by-case basis. The City will also expressly allow an OPDMD within the following maximum specification of type, size, weight and dimensions on certain trails.

<i>Dimensions (LxWxH)</i>	<i>84" x 38" x 44"</i>
<i>Wheelbase</i>	<i>53.5</i>
<i>Ground Clearance</i>	<i>7"</i>
<i>Weight</i>	<i>760 lbs (with battery)</i>
<i>Maximum Design Speed*</i>	<i>13 mph</i>
<i>Engine Type</i>	<i>Electric</i>

**Design speed only. Trail speed for OPDMDs is limited to 4 mph.*

- An OPDMD of this size would be permitted to operate on certain trails (with appropriate width, surface and volume of pedestrian traffic) subject to the City's user operation restrictions. Individuals with a need for an OPDMD can contact Parks and Recreation (allow at least 24 hour advance notice) to discuss their device, requested trail and to coordinate and sign a user operation agreement.

Additional Operator Restrictions and Information

- A person may be asked to leave the property if the OPDMD is being operated in an unsafe or disruptive manner or in a manner inconsistent with the operation agreement.
- Persons accompanying a person with a mobility disability and using an OPDMD but who do not themselves have a mobility disability are not permitted to use an OPDMD.

- Parks and Recreation does not accept responsibility for storage of the OPDMD.
- Parks and Recreation reserves the right to suspend the use of facilities or sites by the operator if it poses a hazard to the safety of others, the environment as provided by the assessment factors. The conditions for safe operations may vary, in particular for special events at a facility which make a facility more crowded with pedestrians.
- All OPDMD users are responsible for any property damage or personal injury that is a result of their operation. Neither Parks and Recreation nor the City of Columbia accepts liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.

Review Standards

- The facility manager shall exercise reasonable discretion in applying this policy.
- Columbia Parks and Recreation reserves the rights to change, modify, or amend this policy at any time, as it would any other policy.

Suspension or Revocation of Use

The facility manager may suspend or revoke use for a violation of this policy or the user operation agreement, or if use of the OPDMD is found to pose a hazard to safety or the environment. In such event, the facility manager shall make a reasonable attempt to allow the person with the disability an opportunity to access the property without the mobility device or with an alternative OPDMD.

Upon the suspension, revocation, or termination of permission, the person with a disability is responsible for removal of the device, for site restoration and for any associated expenses.

Attachments

1. Safety Rules for Other Power-Driven Mobility Device Use on Columbia Parks and Recreation Areas and Property