

	POLICY ON USE OF OTHER POWER-DRIVEN MOBILITY DEVICES	Adopted: 01/16/2018
		Board Resolution No. 2018-01-004

I. INTRODUCTION

The East Bay Regional Park District (“Park District”) is pleased to increase recreational opportunities for people with mobility disabilities by allowing the use of other power-driven mobility devices (“OPDMD”) in areas where they can be operated safely, without posing risk of serious harm to natural and cultural resources, and in conformity with federal land management laws and regulations.

In order to ensure that OPDMD operation does not pose significant safety risks nor fundamentally alter the nature of services, programs, and activities provided by the Park District, all OPDMDs operated in regional parklands must meet the standards below. (See Section 4)

This policy applies only to OPDMD (non-wheelchair) usage. In accordance with federal law, wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, and other similar devices are permitted anywhere in the Park District where pedestrian travel is allowed.

2. PURPOSE

The purpose of this policy is to provide guidelines for use of OPDMDs in East Bay Regional Park District parks, trails, and facilities pursuant to the U.S. Department of Justice regulations amending the Americans with Disabilities Act (“ADA”), Title II regulations, 28 C.F.R., Part 35.

3. OPDMD DEFINED

Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines—whether or not designed 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.

4. STANDARDS AND AREAS OF AUTHORIZED USE

- a. Size: OPDMDs shall not be wider than 36” or longer than 48”, except bicycles which may exceed 48” in length.
- b. Gas Powered OPDMDs Prohibited: OPDMDs shall not exceed zero emissions during use. Only manually or battery/electricity operated devices are permitted. The use of gas-powered mobility devices is prohibited.

- c. Speed Limit:
 - i. Paved and Unpaved Trails: No person shall operate an OPDMD at a speed in excess of 10 miles per hour. Electric bicycles shall not be operated in excess of the posted speed limit or 15 miles per hour.
Basic Speed Limit: Notwithstanding the above speed limits, no person shall operate an OPDMD at a speed greater than is reasonable or prudent having due regard for trail sight-lines, the traffic on, and the surface and width of a trail, nor at a speed which endangers the safety of the persons or property.
- d. Areas of Authorized Use: OPDMDs area authorized on/in:
 - i. "Paths of travel" (e.g., sidewalks, streets, parking lots, ramps, and restrooms)
 - ii. Fishing piers
 - iii. Observation areas
 - iv. Paved multi-use trails (e.g., Iron Horse Trail)
 - v. Unpaved multi-use trails (e.g., fire roads)

Although OPDMDs are generally authorized in these areas, they may be restricted in specific circumstances due to design limitations or operational characteristics of the trail/facility.

OPDMDs must stay on designated trails at all times. Exceptions can be made when crossing turf area to leave or rejoin a trail.

5. RESTRICTIONS AND LIMITATIONS

- a. Closed/Restricted Areas: OPDMDs are not permitted in areas that are closed or restricted to the general public due to safety concerns or for resource protection.
- b. Trails: OPDMDs are not permitted on the following:
 - i. Narrow track trails (except for electric bicycles which are permitted under this policy anywhere bicycles are allowed).
 - ii. Trails where the width of the OPDMD exceeds half the trail width.
- c. Interpretive/Visitor Centers; Reservable Facilities; Public Buildings ("Facility"): Due to design characteristics, the Park District may restrict OPDMDs in certain interpretive/visitor centers, reservable facilities, and public buildings. Individuals are encouraged to contact the facility prior to their visit to determine if there are any restrictions or limitations.

The Park District reserves the right to further restrict the use of OPDMDs during special events or during periods of high volume pedestrian traffic.

6. INQUIRY INTO USE OF OPDMD

The Park District shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability.

The Park District, however, may ask a person using an OPDMD to provide credible assurance that the mobility device is required because of the person's disability. The Park District shall accept the presentation of a valid, state-issued, disability parking placard or card, or other state-issued proof of disability as a credible assurance that the use of the OPDMD is for the individual's mobility disability. In lieu of a valid, state-issued disability parking placard or card, or state-issued proof of disability, the Park District shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the state of issuance's requirements for disability placards or cards.

7. VARIANCE PROCEDURE

Persons desiring to use an OPDMD which does not meet the standards for types of devices allowed or for use in a location where OPDMDs are prohibited, may request a change of use by submitting the request in writing to the Park District's ADA Coordinator addressed as follows:

East Bay Regional Park District
Attention: Health and Safety Coordinator
Legal/Risk Division
2950 Peralta Oaks Court
Oakland, California 94605

or by email to adacoordinator@ebparks.org, or by calling (888) 327-2757. The requested variance shall be evaluated by Park District staff and a decision shall be communicated to the person(s) requesting the variance within a reasonable amount of time.

8. REVISIONS

This policy may be revised as trails and facilities are further assessed to determine the extent of physical constraints, resource protection criteria, and safety concerns for all trail users.

9. GOVERNING AUTHORITY

Americans with Disabilities Act, Title II regulation, 28 C.F.R. Part 35.