

Midpeninsula Regional Open Space District

Board Policy Manual

Other Power-Driven Mobility Devices	Policy 4.10 Chapter 4 – Acquisition & Maintenance of District Lands
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Prior Versions: N/A	

Introduction

The Midpeninsula Regional Open Space District (“District”) accommodates 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.

To ensure that OPDMD operation does not pose significant safety risks or fundamentally alter the nature of services, programs, and activities provided by the District, all OPDMDs operated on District Lands must meet the standards below. (See Section IV)

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

Due to the variety of OPDMDs available and the fact that most District trails were not designed for such use, visitors with mobility impairments should use their judgment in assessing the practicality of using their device on a particular trail. Due to slope, surface condition, or many other factors OPDMD use may be physically impossible or unsafe even when allowed.

Purpose

The purpose of this policy is to provide guidelines for use of OPDMDs on District Lands, 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.

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 (defined pedestrian routes are those routes that are required to be wheelchair and disability accessible such as routes from parking to restrooms and public facilities), but that is not a wheelchair.

Standards and Areas of Authorized Use

A. Size

OPDMDs shall not be wider than 36" or longer than 48", except for electric bicycles which may exceed 48" in length. OPDMDs shall not exceed 550 lbs. including the operator.

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 or other fuel powered mobility devices is prohibited.

C. Speed Limit

1. Trails: No person shall operate an OPDMD at a speed in excess of 5 miles per hour, except for electric powered bicycles which must comply with all the regulations for bicycles, including the 5 mph maximum on blind turns and when passing and 15 mph maximum speed.
2. 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, trail traffic, and the surface and width of a trail, or at a speed which endangers the safety of persons or property.

D. Areas of Authorized Use

OPDMDs are authorized on/in:

1. "Paths of travel" (e.g., sidewalks, driveways, parking lots, ramps, and restrooms)
2. Trails designated as Easy Access (e.g., typically surfaced trails designed for accessibility)
3. Paved Trails
4. Wide unimproved or surfaced trails.
5. 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.

6. Electric powered bicycles are authorized where bicycles are allowed including narrow width unpaved trails.

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:

1. Narrow width unpaved trails except for electric powered bicycles which may go where bicycles are allowed.
2. 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 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 District reserves the right to further restrict the use of OPDMDs during special events or during periods of high volume pedestrian traffic.

Use and Inquiry into Use of OPDMD

Only individuals with a mobility disability may use OPDMDs on District lands. The District may stop individuals who are using an OPDMD because all powered devices except wheelchairs are prohibited under District ordinance.

The District shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual’s disability. If a person using an OPDMD states they are using the device due to a mobility disability the District may ask them to provide credible assurance that the mobility device is required because of the person’s disability. The 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 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.

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 District's Americans with Disabilities Act Coordinator addressed as follows:

Midpeninsula Regional Open Space District
Attention: Americans with Disabilities Act Coordinator
330 Distel Circle
Los Altos, CA 94022

by email to info@openspace.org, or by calling (650) 691-1200. The requested variance shall be evaluated by District staff and a decision shall be communicated to the person(s) requesting the variance within ten business days.

If there is a physical barrier that prevents the use of an OPDMD a visitor may use the same process to request an accommodation to allow their use.

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.

Governing Authority

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