

# **USE OF OTHER POWER DRIVEN MOBILITY DEVICES**

## **Department of Parks & Recreation**

### **Policy**

#### **PURPOSE**

The purpose of the policy is to establish rules for the use of Other Power Driven Mobility Devices (“OPDMD”) in Boise’s Foothills and open space areas, on the Boise Greenbelt and within parks owned or operated by the City of Boise. This policy is promulgated in order to implement the U.S. Department of Justice (DOJ) regulations under the Americans With Disabilities Act (ADA) governing the use of wheelchairs and OPDMBs.

#### **AUTHORITY**

Boise City Code 13-01-04 C.1)  
28 CFR part 35  
Americans With Disabilities Act

#### **BACKGROUND**

Effective March 15, 2011, the Department of Justice (DOJ) revised rules regarding the use of OPDMDs to be used by "individuals with mobility disabilities" in public places such as the trails within the City’s Foothills and open space areas and on the Boise Greenbelt.

#### **What Is an OPDMD?**

OPDMD is a new term described in recently passed ADA legislation that broadly defines other power driven mobility devices used by individuals with mobility disabilities for the purpose of moving within outdoor recreation areas and trails designated for public use.

#### **What Type of Device Can I Use?**

There are a number of factors to consider in defining the type of OPDMD that the City of Boise will permit including: safety of the user, safety of other park guests, protection of the natural resources, and ensuring the peace and quiet of the outdoor experience. The kinds of OPDMDs that are suitable will vary, depending on the type, volume of use, and design of the trail, open space or Greenbelt. The Department of Parks and Recreation has evaluated its facilities in order to determine which OPDMDs it will permit, based on the variety of trails and open space that exist within the Boise Foothills and the more urban nature of the Greenbelt. As the DOJ regulations allow, the Department has considered the following factors:

1. The type, size, weight, dimensions and speed of the device;
2. The individual facility’s volume of pedestrian traffic;

3. The facility's design and operational characteristics;
4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the individual facility; and
5. 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,.

### **How can I find out if a specific device is suitable?**

Those persons with mobility disabilities may contact the Department about use of devices that are currently prohibited to other park users (e.g., motorized OPDMDs) but may provide you with better access in a safe manner, considerate of natural resources. (See contact information below.) The Department will issue a special placard to identify the specific OPDMD and the places where its use will be permitted. Over time, the Department will evaluate its trails, open spaces and Greenbelt to determine that the permitted OPDMD continues to be suitable for use on the individual facility and if other facilities may be opened to OPDMDs.

### **Other Personal Assistance Mobility Device Policy**

#### **Ridge-to-Rivers Trails Within the Boise City Limits**

The Department has assessed its Foothills trails and open space areas, and adopts this OPDMD Policy.

- A. OPDMDs shall be permitted for use only by persons with mobility impairments on Ridge-to-Rivers trails within the Boise City limits.
- B. Definitions:
  - 1) **Cleared Trail Tread:** That portion of the trail that is bare dirt and devoid of perennial vegetation.
  - 2) **Multiple-Use Non-Motorized Trails:** Trails on which vehicles of any type with internal combustion engines are not allowed.. Non-motorized use such as mountain biking, hiking and equestrian use are allowed.
  - 3) **Pedestrian-Only Trails:** Trails on which foot traffic only is allowed.
  - 4) **Motorized Trails:** Trails that are open to motorized vehicles 50" or less in width.
  - 5) **EPAMD Defined:** An Electronic Personal Assistance Mobility Device ("EPAMD") is a device used by a person with a mobility disability. This definition does not include gasoline powered vehicles or devices, golf carts or riding lawn mowers. This definition is restricted to devices with the following characteristics:

- a) Wheelbase width shall not exceed the cleared trail tread width.

**Comment:** (Ridge-to-Rivers trails only) As a rule of thumb, most Ridge-to-River trails are managed for a cleared trail tread width of 24” on multiple use, non-motorized trails and 16” on pedestrian trails only.

- b) The EPAMD must not exceed a width of 32” to allow passage of pedestrians and others without leaving the trail, as well as to allow passage through system gates and stiles.
- c) Shall utilize low-pressure tires.
- d) Shall operate at a speed that is safe and reasonable for the conditions.
- e) Shall be powered by an electric engine only with a maximum noise level of 65 dba or less at a distance of 25 feet from the EPAMD.
- f) The EPAMD shall be designed for single occupancy only.

### C. Permitted Uses.

1) **Non-Motorized Trails.** OPDMDs with internal combustion engines are **not** allowed on non-motorized trails, as their use would negatively affect the experience for which these trails were designated and managed. Non-gasoline powered, Electronic Personal Assistance Mobility Devices (EPAMD) meeting the requirements in B. 5) above are permitted. The Department suggests the following non-motorized trails will best accommodate EPAMDs:

- a) The Grove Trail #48
- b) West Highland Valley Trail #11 \*\*
- c) Homestead Trail #12 \*\*
- d) Table Rock Trail #15 \*\*Access from Terranativa Subdivision
- e) The Ponds Loop #21
- f) Toll Road #27A
- g) Crestline Trail #28
- h) Corrals Trail #31 / Hard Guy #33 \*\*

- i) Hulls Pond Loop #34
- j) Gold Finch Trail #35
- k) Red Fox Trail #36
- l) Owls Roost Trail #37

\*\*These trails will require contacting Ridge-to-Rivers at 493-2953 in order to obtain a key that will allow passage through the gate.

**D. Miscellaneous.**

- 1) When an EPAMD exceeds the width of the trail, it must turn around.
- 2) All EPAMDs shall display a placard, which shall be visible at all times, issued by the Department indicating the EPAMD status of the device.
- 3) Persons accompanying a person with a disability but who do not themselves have a mobility disability are not permitted to use an EPAMD
- 4) City personnel may request that a person using an EPAMD provide credible assurance that the EPAMD is required because of the person's disability.
- 5) The person operating the EPAMD shall not carry another person or object that would cause the EPAMD to tip or become unstable or cause harm to the driver of the EPAMD or others on the trail.
- 6) Any person using or operating an OPDMD or EPAMD shall not use or operate such a device anywhere on the Ridge-to-Rivers trail system within the City limits except on a trail designated for such use pursuant to this policy.
- 7) The EPAMD operator must not use or operate such a device on a Ridge-to-Rivers trail if use of the device causes damage to the trail.
- 8) No driver or operator of any EPAMD shall be intoxicated.
- 9) The EPAMD must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, City employees, or other persons.
- 10) The Department reserves the right to suspend the use of the EPAMD within the Ridge-to-Rivers trail system if doing so is in the best interests of the R2R and its participants.

For questions or more information regarding this policy as it relates to the Ridge-to-Rivers trails and use of EPAMDs on those trails, please contact David Gordon, Ridge to Rivers Trails Coordinator at 493-2531 or [dgordon@cityofboise.org](mailto:dgordon@cityofboise.org).

### **City Parks, Hard Surface Trails and Outdoor Recreation Facilities**

A. OPDMDs shall be permitted for use only by persons with mobility impairments on the on City parks hard surface trails and outdoor recreation facilities otherwise open to the public.

B. OPDMDs with internal combustion engines are **not** allowed on the in City parks, on hard surface trails and outdoor recreation facilities as their use would negatively affect the experience for which these facilities are designed and managed. Non-gasoline powered, Electronic Personal Assistance Mobility Devices (EPAMD) defined as a device used by a person with a mobility disability and are permitted in City parks, on hard surface trails and outdoor recreation facilities. This definition does not include gasoline powered vehicles or devices, golf carts or riding lawn mowers. This definition is restricted to devices with the following characteristics:

- a) The EPAMD must not exceed a width of 32” to allow passage of pedestrians and others without leaving the Greenbelt, sidewalk or path, as well as to allow passage through system bollards.
- b) Shall utilize low-pressure tires.
- c) Shall operates at a speed that is safe and reasonable for the conditions.
- d) Shall be powered only by an electric engine with a maximum noise level of 65 dba or less at a distance of 25 feet from the EPAMD.
- e) The EPAMD shall be designed for single .

### **D. Miscellaneous.**

- 1) All EPAMDs shall display a placard, which shall be visible at all times, issued by the Department indicating the EPAMD status of the device.
- 2) Persons accompanying a person with a disability but who do not themselves have a mobility disability are not permitted to use an EPAMD
- 3) City personnel may request that a person using an EPAMD provide credible assurance that the EPAMD is required because of the person's disability.

- 4) The person operating the EPAMD shall not 1) carry another person, or, 2) carry any object that would cause the EPAMD to tip or become unstable or cause harm to the driver of the EPAMD or others on the trail.
- 5) Any person using or operating an OPDMD or EPAMD shall not use or operate such a device in City parks, on hard surface trails and outdoor recreation facilities except on a trail designated for such use pursuant to this policy.
- 6) The EPAMD operator must not use or operate such a device in such a manner as results in damage to the turf within a park owned or managed by the City of Boise.
- 7) No driver or operator of any EPAMD pursuant to this policy shall do so while under the influence of alcohol, drugs or any other intoxicating substance.
- 8) The EPAMD must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, City employees or other persons.
- 9) The City reserves the right to suspend the use of the EPAMD within specific portions of the Boise Park System if doing so is in the best interests of the system and its participants.

**APPROVED**

**DATE**

By: Department of Parks & Recreation Superintendents (initial)

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By: Patrick Reese  
 Office of the City Attorney

9/20/11

By: Don R. Auld  
 Department of Parks & Recreation

8/8/11

By: Harvey Z. Neef  
 Parks & Recreation Commission

7-21-11

Boise City Council

N/A

Resolution/Ordinance No.

N/A