



## Policy Governing the Use of Other Power Driven Mobility Devices (OPDMD) On MetroParks Trails, Etc.

MetroParks of Butler County is committed to enabling the use and enjoyment of the park district's recreational areas owned or managed by MetroParks of Butler County. The changes to ADA law offer those who require mobility devices greater access to park district recreation facilities, amenities and trails. We have completed an assessment of the trails and other assets of MetroParks of Butler County and have determined which OPDMD devices are authorized for use in specific recreation areas. Information provided herein will describe which OPDMD devices can be used within MetroParks of Butler County managed facilities.

### **Other Power Driven Mobility Devices (OPDMD)**

The following are guidelines for the use of Other Power Driven Mobility Devices [OPDMDs] by individuals with mobility disabilities in MetroParks of Butler County managed properties. The guidelines are in compliance with the Revised Final Title II Regulation of the Americans with Disabilities Act of 1990 (42 U.S. C. 1213):

#### **Definitions**

- a. **Wheelchairs** - 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.
  1. Wheelchairs and manually-powered mobility aids used by individuals with mobility disabilities shall be permitted in any areas open to pedestrian use.
- b. **Other Power Driven Mobility Devices (OPDMD)** - An OPDMD is defined as "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 carts/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.

- c. **Electric-powered mobility devices include:** any mobility device powered by batteries, including multiple passenger carts (three or four wheels), electronic personal assistance mobility devices (EPAMDs - such as the Segway PT), battery-powered bikes (two or three wheels) and single passenger scooters (three or four wheels).
- d. **Gas-powered mobility devices include:** any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or bio fuel or combination thereof, including all-terrain vehicles, carts (three or four wheels), off-road bikes (two or three wheels), motor scooters (two or three wheels), motor cycles (two wheels), tractors and vehicles (four wheels).
- e. **Tandem wheel device:** A two, three or four-wheeled mobility device where the wheel alignment is parallel along one or more axles.
- f. **Inline wheel device:** A two-wheeled mobility device where the wheel direction of travel are aligned in the same plane.

Individuals with mobility disabilities may use OPDMDs on MetroParks of Butler County managed properties subject to the following safety requirements:

- 1. An OPDMD must remain on trails except to the extent necessary to comply with yielding requirements. An OPDMD must be capable of being turned around within the trail tread in a safe manner. The OPDMD may not cause unnecessary damage to the trail surface.
- 2. An OPDMD must be operated at a safe speed of 6MPH or less.
- 3. Trails on pathways may be restricted due to features such as steps, boardwalks or bridges based upon their design or capacity. Please consult the park's main office for questions or further instructions.
- 4. An OPDMD must have the capacity to safely negotiate trail features and obstructions if said obstructions are located on the specific pathway used by the operator of an OPDMD.
- 5. An OPDMD must be no wider than 36 inches and no more than 600 pounds while occupied to insure the safe passage of other traffic by foot, bicycle or other OPDMD device on OPDMD approved areas.
- 6. Gas-powered mobility devices are not permitted on the trails or open spaces of the MetroParks of Butler County.

The exclusion of gas-powered mobility devices, as compared to electric-powered mobility devices, is due to the engine noise of gas powered vehicles produces a

significant zone of disturbance to the activities of native wildlife and can negatively impact the visitor experience. In addition, gas-powered mobility devices create a risk of serious harm to the immediate environment from the danger created by the heat of the gas-fired engine. MetroParks of Butler County envisioned our park system would provide relief from an increasingly urban environment. Noise does not preclude recreation activities but does diminish the enjoyment of the overall experience. Furthermore, the noise from gas-powered mobility devices poses a health risk to adjacent recreationalist when it exceeds 70 dB. The World Health Organization has set 70 dB as a maximum safe noise level in the work place. Most gas-powered vehicles, such as ATVs and gas-driven motor bikes, exceed this noise level.

Due to varying conditions on MetroParks of Butler County properties and to ensure safety and/or natural resource protection, MetroParks of Butler County recommends that an OPDMD user(s) contact MetroParks of Butler County Main Office/Ranger Department at 513-867-5835 to confirm that an OPDMD is permitted on a particular trail.

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

#### Inquiry into Disability:

A MetroParks of Butler County employee or volunteer inquiring as to a mobility disability or use of an OPDMD on MetroParks of Butler County properties shall comply with the following:

1. The MetroParks of Butler County employee or volunteer shall not ask a person using an OPDMD questions about the nature and extent of the person's disability.
2. The MetroParks of Butler County employee or volunteer may ask a person using an OPDMD to provide a credible assurance that the OPDMD is required because of the person's disability. MetroParks of Butler County employees or volunteers 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 person's mobility disability.
3. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, the MetroParks of Butler County employee or volunteer 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.

#### Operator Responsibilities.

Operating a mobility device on any MetroParks lands, leased, managed or maintained trails, paths, and roads carries a great responsibility during its operation. Not only must the operator know and follow all applicable traffic regulations they must also show concern for the environment as well as other users of the parks. The misuse of mobility devices can cause the temporary closure or permanent closure of

MetroParks lands, paths, trails and or roads. Mobility device use in an outdoor setting poses difficulties with terrain that can involve rain, mud, snow, ice, debris, vegetation, tree roots and water crossing during poor weather conditions. These are inherent risks that may cause injury to the operator and or damage to the property or other participants using the parks. The operator must operate cautiously while using a OPDMD in MetroParks of Butler County. The operator voluntarily assumes full responsibility for these risks and dangers. Compliance with the MetroParks rules and regulations as well as OHIO Revised Code is the operator’s responsibility. A person may be asked to leave the site if the operator of an OPDMD is operating in a unsafe or disruptive manor. If an operator is using a OPDMD on a restricted location the user of the OPDMD may be subject to prosecution.