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Policy “Other Power-Driven Mobility Devices”

Introduction

On March 15, 2011 the Federal Department of Justice (DOJ) revised rules under the Americans with Disabilities Act (ADA) Title II went into effect. These rules concern the use of “Other Power-Driven Mobility Devices” by individuals with disabilities on trails managed by State and local governments. By these rules an “other power-driven mobility device” can include a vehicle fueled by batteries, fuel, or other engines, even though it may not be specifically designed to transport the disabled. Examples would include electric assist bicycles, powered scooters, golf carts, Segways, etc. (Note: Motorized wheelchairs are not considered an OPDMD and are already permitted under previous ADA rulings.)

The DOJ requires that the group which owns the trail “make reasonable modifications in its policies to permit the use of OPDMD’s by individuals with mobility disabilities.” However, according to the DOJ, if a group can demonstrate that certain OPDMD’s cannot be operated safely on their trails those devices can be prohibited.

Requirements for prohibition must be based on actual risk. Those assessments can include:

1. The type, size, weight, dimensions and speed of the device.
2. The volume of traffic.
3. The facility’s design characteristics (ie: width and surface).
4. Whether legitimate safety requirements can be established to permit the safe operation of OPDMD’s.
5. Whether the use of the OPDMD’s creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.
6. As the ruling does allow the trail owner to assess whether certain OPDMD’s can safely be operated on certain trails, and allows for the setting of restrictions based on certain criteria, the Montgomery County Division of Parks and Heritage Services, in conjunction with criteria set by the DOJ, has assessed trails based on the following:
 - Width of the trail vs. width of the vehicle.
 - Numbers of users.
 - Safe diversity of use; hikers, horses, bicycles, etc.
 - Restrictive barriers at access points; parking spaces, bollards, gates, etc.
 - Trail design.
 - Safe speed assessment.
 - Environmental impact.
 - Restricted trails vs. similar experience at alternative location.
 - Impact of devices on trails will be reassessed on an annual basis.
 - Trails may be removed or added based on this yearly assessment

Discussion

The trails operated by the Montgomery County Division of Parks, Trails & Historic Sites were designed and constructed for passive recreation users such as hikers, dog walkers, runners, bicyclists, horseback riders, and those with disabilities using manual or powered wheelchairs. Each trail varies greatly in surface material, terrain, width, elevation, user types and user volume. Trail users have come to expect a safe, relaxed, quiet experience, free of motorized vehicles, with the exception of those being driven by Montgomery County staff and emergency personnel. While the use of OPDMD's on certain trails may at first be disturbing to traditional trail users, we believe that trail use by persons with mobility disabilities will provide an opportunity for a segment of the population that previously was unable to experience the trails to now enjoy these exceptional facilities in Montgomery County.

In striking a balance, and with the highest concern for the safety of all users, the Montgomery County Division of Parks, Trails & Historic Sites has developed the following policy:

1. A qualified individual may apply and be issued a permit by Montgomery County Parks, Trails & Historic Sites for use of a power-driven mobility device. Use will be permitted in designated areas as determined by PTHS criteria.
2. An individual may qualify by presenting a handicapped placard, a disabled veteran's card, or a note from a physician.
3. Application may be made by contacting any PTHS facility office.
4. It is recommended that application be made at least 72 hours before intended use.
5. Permitted individual must be present in device during use.
6. All mobility devices must be pre-approved.
7. Approved devices are restricted to a maximum of 40 inches wide. Motors on electric devices are limited to 48 volts or less. Internal combustion engines are not permitted.
8. Devices must not create excessive noise.
9. Speed will be limited to 5 mph.
10. Applicants are required to follow trail use safety, restrictions, and user etiquette.
11. Issued permit is non-transferrable, and must be prominently displayed on device.
12. Permit will be valid for current calendar year.
13. If no longer needed, or device has changed, permit will be returned to the park office where originally issued.
14. Violation of any of the above, or any other PTHS rules and regulations, will result in loss of permit and riding privileges.
15. Policy may be reviewed and adjusted by the County at any time.
16. Use is limited to days and hours of operation determined by site. Inquire at specific site as scheduled events or conditions may cause a trail to be temporarily closed.
17. Current facilities open for use by Power-Driven Mobility Devices for the Disabled are as follows:
 - Norristown Farm Park paved trails, daylight hours.
 - Pennypack Trail at Lorimer Park, daylight hours, weekdays only (no holidays)
 - Audubon Loop Trail, between Pawlings Road and the Audubon Center at Mill Grove, daylight hours, weekdays only (no holidays)
 - Perkiomen Trail near Green Lane, between Crusher Road and Hendricks Station Road, daylight hours, weekdays only (no holidays)