



SUBJECT: Electronic Personal Assistance Mobility Device Regulations (EPAMD)

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Parks Staff. Every five years by Parks Advisory Commission or more frequently if recommended by staff.


PURPOSE: To clarify the policies, procedures, and regulations regarding the use of an Electronic Personal Assistance Mobility Device (EPAMD) in City Parks and on hard and soft surface trails, sidewalks, outdoor recreation facilities and Open Lands maintained by the Parks and Recreation Department.

SCOPE: The City Parks and Recreational Trail addressed by these policies are acquired by the City of Loveland with dedicated funds.

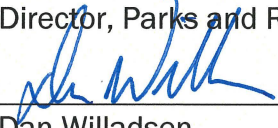
RESPONSIBILITY: Parks Manager

BACKGROUND: Staff has used the following policy regarding the use of EPAMDs in City Parks, on the Recreation Trail, and on Open Lands properties.

APPROVAL:



Elizabeth R. Kayl
Director, Parks and Recreation



Dan Willadsen
Parks Manager

I. Background

Effective March 15, 2011, the Department of Justice (DOJ) revised its rules effectuating Subtitle A, Part 35 of Title II of the Americans With Disabilities Act of 1990 with respect to the use of power-driven mobility devices by individuals with mobility disabilities on lands owned by public entities. The City of Loveland (City) desires to accommodate individuals with mobility disabilities while ensuring that power-driven mobility devices do not have a significant negative impact on the immediate environment, natural or cultural resources, or visitor safety.

In Developing this EPAMD policy, the Parks and Recreation Department (Department) has taken into consideration the use of “other power-driven mobility devices” as that term is defined in 28 CFR § 35.104 and factors such as impacts on safety of other park, trail, sidewalk and outdoor recreational facility and open land users, impacts on property and infrastructure, and the noise level of such devices. Other factors considered were the types of power-driven mobility devices acceptable in parks or on trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department based upon the type, size and speed of a device in relation to, among other things, the width, length, composition and location of the park, trail, sidewalk or outdoor recreational facility and open lands and the volume of users of these facilities.

II. Impacts of Other Power-Driven Mobility Devices

While the City of Loveland Parks and Recreation Department desires to accommodate individuals with mobility disabilities, this must be done in a way that does not have a significant negative impact on the mission of the Parks and Recreation Department or jeopardize the safety of persons using City parks, trails, sidewalks, outdoor recreation facilities or open lands, including those with a mobility disability. One of the assessment factors the City considered in making its assessment is whether the use of certain classes of other power-driven mobility devices creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Based upon the Department’s assessment, All-Terrain Vehicles (ATVs), snowmobiles, other Off-Road Vehicles (ORVs) and other similar devices that may meet the definition of “other power-driven mobility devices,” are not appropriate types of devices for City parks, trail, sidewalks, outdoor recreation facilities and open lands.

ATVs, ORVs, snowmobiles and other similar devices pose a considerable threat to the safety of citizens using the park system due to their speed and design and are not conducive in a sports or active use area due to the mix and age of users and the traffic patterns and needs of a particular play activity. Also, these devices usually employ internal combustion engine powered vehicles that pose a considerable threat to the environment from noise, increased air pollution and trail degradation. In particular, the noise of off-road vehicles interferes with the overall mission of parks, as a respite and refuge from crowded urban areas or roads.

ATVs, ORVs, snowmobiles and other similar devices also interfere with natural, peaceful surroundings sought by trail or open land users such as hikers, bicyclists, and other non-motorized



recreationists. Noise from these types of devices is also likely to cause significant adverse impacts to wildlife in at least two ways. First, exposure to noise from these devices can result in wildlife hearing impairment or even loss, with severed consequences for animals dependent on their sense of hearing for finding prey, avoiding predators, and interacting with other individuals of the same species. Second, wildlife exposed to these noises often experience stress and other disturbance effects. Over time, such impacts are likely to lead to altered wildlife movement patterns, behavioral changes, and long-term stress impacts; all with potentially significant adverse results. Considerable literature on disturbance effects across ecosystem types indicates that negative impacts to wildlife from ORV use are widespread. Since most of our trail system is located along major wildlife corridors these vehicles are not conducive.

Trail degradation by ATV or similar device can be very problematic on multiuse trails and sidewalks. Rutted or eroded trails can be dangerous for other users and degrade overall access to open lands and parks. Several miles of the City's trail system are eight foot (8') wide and cannot accommodate these vehicles and other trail users safely. Most of the City's sidewalks within our parks are six foot (6') wide or less and cannot accommodate ATV or ORV and existing users without significant safety issues. The Department has determined that, in addition to wheelchairs and other manually-powered mobility aids; it will permit the use of certain *Electronic Personal Assistance Mobility Devices* (EPAMDs) in City parks, on hard and soft surface trail, sidewalks, outdoor recreation facilities and open lands maintained by the Department pursuant to the terms and conditions set forth below.

III. Definition

For purposes of this policy:

Mobility Device means Other Power-Driven Mobility Device and Wheelchair collectively.

Other Power-Driven Mobility Device means 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, electronic personal assistance mobility devices (EPAMD), 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.

Electronic Personal Assistance Mobility Device (EPAMD) is a device used by a person with a mobility disability but does not include gasoline or fuel powered devices or vehicles, golf carts, riding lawn mowers, ATVs, snowmobiles, ORVs or other devices with internal combustion engines.

Wheelchair means 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.

IV. Policy



The Department authorizes a person with a mobility disability to use an electronic personal assistance mobility device (EPAMD) in City parks, and on hard and soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department, subject to the following conditions:

1. Individuals with mobility disabilities shall be allowed to use:
 - a. Wheelchairs;
 - b. Manually-powered mobility aids (e.g. walkers, crutches, canes, braces or similar devices designed for use by individuals with mobility disabilities); and
 - c. Other Power-Driven Mobility Devices that are EPAMDs and meet all other conditions of this policy.
2. The following may not be used:
 - a. Gas or fuel powered devices or internal combustion engine vehicles;
 - b. Devices heavier than 500 pounds; and
 - c. Other power-driven mobility devices that exceed more than 32" in width measured from the outside of each tire.
3. EPAMDs may only be used in City parks and on hard and soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department, so long as such use does not cause damage to such park, trail, sidewalk, outdoor recreation facility or open land.
4. The EPAMD:
 - a. Must be designed to travel on two or more low-pressure tires;
 - b. Must operate by an electric powered engine or motor with a maximum decibel level of 55 or less;
 - c. Must not be driven into wet, ecologically sensitive or hazardous areas which are posted as prohibited areas by the Department or Open Lands Divisions;
 - d. Must not carry more than one person on the frame or carry any object on the frame that may make the EPAMD unstable;
 - e. Must not be operated in a dangerous or reckless manner, or at speeds that jeopardize the safety of the operator, or other persons; and
 - f. Must only be operated between 6 AM and 10:30 PM.



5. The EPAMD is allowed only in areas of the park, or on hard and soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department in which the general public is allowed.
6. A driver or operator of an EPAMD shall be subject to the same statutory restrictions regarding consumption of alcohol and/or drugs and operation of a motor vehicle or vehicle.
7. An individual without a mobility disability is prohibited from using an EPAMD under this policy, regardless of whether or not he or she is accompanying an individual with a mobility disability who is using an EPAMD.
8. Neither the Department nor the City shall be responsible for the EPAMD, including, but not limited to, storage, security, maintenance, loading or unloading of the EPAMD.
9. Neither the Department nor the City shall be responsible for any damage to the EPAMD, or injury to the operator, whether caused by the operator, another park, trail, sidewalk, outdoor recreation facility or open land user or visitor and preserves all defenses under law, including but not limited to governmental immunity.
10. The Department reserves the right to suspend or place additional restrictions on the use EPAMDs in its parks, and on trails, sidewalks, outdoor recreational facilities or open lands maintained by the Department, if doing so is in the best interests of the City, the Department, or users of such parks, trails, sidewalks, outdoor recreational facilities or open lands.
11. Users of Mobility Devices are subject to all other City park, trail, outdoor recreation facility and open land policies and regulations.
12. The operator of the EPAMD must be a person with a mobility disability, and proof of such disability may be requested by Department personnel or law enforcement officers in accordance with ADA regulations.
13. An individual using a Mobility Device authorized pursuant to this policy may be asked to provide "credible assurance" that the Mobility Device is required because of the individual's disability. Credible assurance may include: showing a valid State-issued disability parking placard or card or other State-issued proof of disability. In lieu of a valid State-issued disability parking placard or card or other State-issued proof of disability, a verbal representation, not contradicted by observable fact, that the Mobility Device is being used for a mobility disability shall constitute credible assurance.
14. A person using a Mobility Device may not be asked about the nature and extent of the person's disability.
15. The Department reserves the right to change, modify, or amend this policy at any time.