



Other Power-Driven Mobility Device Guidelines

Managed by ADA Coordinator

05/06/2019

I. Purpose

- A. To establish guidelines for the use of Other Power-Driven Mobility Devices (“OPDMD”) by individuals with mobility disabilities on property owned or controlled by the city of Derby.
- B. Information provided herein describes the type of OPDMDs that are authorized for use on city property.
- C. Policy is promulgated to implement the U.S. Department of Justice (DOJ) regulations under the Americans With Disabilities Act (ADA) governing the use of wheelchairs and OPDMDs.

II. Definitions

- A. Wheelchair - “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” (28 CFR § 35.10).
- B. Manually Powered Mobility Aids - Walkers, crutches, canes, braces, or similar devices designed for use by individuals with mobility impairments.
- C. Other Power-Driven Mobility Device (OPDMD) - Any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMDs), such as the Segway Personal Transporter or an electrical assisted bicycle, or any mobility device designed to operate in areas without defined pedestrian routes, but not a wheelchair, as defined herein (28 CFR § 35.104).

III. Eligibility

- A. The operator of an OPDMD must be an individual with a mobility disability and, upon request of a City employee, must provide credible assurance that the OPDMD is required because of the individual’s mobility disability. Credible assurance may be provided by either of the following:
 - 1. A valid, state-issued, disability parking placard or card or other state-issued proof of disability; or
 - 2. Verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. City employees shall not ask an individual using an OPDMD about the nature or extent of the individual’s disability.
 - (a) Some people can walk but need the mobility device for longer distances or uneven terrain.

(b) Some people use a mobility device because of respiratory issues, poor balance, lack of stamina, or cardiac or neurological disabilities.

IV. Requirements

- A. Any OPDMD operated on city properties shall be assessed based on the following DOJ assessment factors to determine whether a particular OPDMD would be allowed as a reasonable accommodation:
 - 1. The type, size, weight, dimensions, and speed of the OPDMD;
 - 2. The area's volume of pedestrian traffic;
 - 3. The area's design and operational characteristics;
 - 4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific area;
 - 5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment, natural or cultural resources, or occupants and visitors safety.
- B. Types of Prohibited Devices. The following devices are prohibited on city facilities or properties:
 - 1. All types of devices powered by fuel or combustion engines are prohibited from city indoor facilities for health and environmental reasons. These devices may be deemed acceptable at some outdoor city property if they meet other OPDMD requirements. Also, for safety reasons, larger electric devices such as golf carts or other devices may be excluded from indoor areas.
 - 2. Other types of electric-powered devices, such as electric motorcycles and mopeds (except for EPAMDs and EABs), because of: (1) the typical high speeds at which these devices are driven; or (2) the likely damage that will result to surfaces from their tires (such as tractors, steel threads, or off-road).
 - 3. OPDMDs more than 36 inches wide because: (1) the width of many city sidewalks and paths is less than 8 feet; and (2) OPDMDs wider than 36" are potentially dangerous to users coming from the opposite direction or from someone trying to pass the OPDMD from behind.
- C. Speed of OPDMDs. For the safety of all individuals using city paths, OPDMDs must be operated at the following speeds:
 - 1. Typical walking speed-3 mph when operated on city property or at outdoor events.
 - 2. Typical biking speed-10 mph when operated on city paths.
- D. Weight of OPDMDs. For the safety of all individuals using city paths or trails, and to help prevent damage to property, an OPDMD may not weigh more than 300 pounds.
- E. Persons accompanying a person with a disability but who do not themselves have a mobility disability are not permitted to use an OPDMD on city property.
- F. An OPDMD must be capable of being turned around within the footprint of the City path or trail, or inside a city facility in a safe manner to avoid endangering others or damaging property.

- G. The OPDMD operator assumes all risks of operating the OPDMD. City does not represent that city owned properties are safe for use by an OPDMD and does not assume any liability for operation of the OPDMD. Certain risks are inherent in the use of OPDMDs on city owned properties.
 - H. City reserves the right to restrict OPDMD use during special events, or during times of heavy traffic on city paths, or within city facilities, if such limitation is required, in the opinion of city, to protect the public health, safety and welfare.
 - I. The OPDMD shall not be operated in an unsafe manner or cause damage to city property. OPDMD operators are prohibited from the use of any substance that would impair their judgment or mobility.
 - J. City shall not provide emergency retrieval of the OPDMD or transport the OPDMD to and/or from city property and the City shall not store any privately-owned OPDMD
 - K. The OPDMD operator is responsible for ensuring the OPDMD works properly, per manufacturer's instructions. The OPDMD operator is responsible to follow the manufacturer's operating and protective equipment requirements.
- V. Updates and Exceptions
- 1. Persons with disabilities who are unsure of their ability to use their OPDMD in a certain area should contact the City ADA Coordinator at 316-788-1519. The City reserves the right to review any OPDMD request and make exceptions to this policy based upon individual circumstances.
 - 2. The City may modify these guidelines from time to time as it may deem necessary or as required by law. It is the user's responsibility to ensure conformance with these guidelines.
 - 3. A copy of the most current OPDMD Guidelines will be available for public review upon request of the ADA Coordinator and shall be made available on the City website www.derbyks.com.