

King County Parks Guideline on Other Power-Driven Mobility Devices (OPDMD), Americans with Disabilities Act (ADA), Title II

1. Purpose

This guideline applies to all employees of the King County Parks and Recreation Division. Its purpose is to provide guidance for agency staff to comply with rules issued by the federal Department of Justice pursuant to the 1990 Americans with Disabilities Act (ADA) Title II and Title III that became effective on March 15, 2011. These rules deal with the use of power-driven mobility devices other than wheelchairs used by persons with disabilities.

King County Parks is committed to stewardship that delivers high quality park assets to future generations and is dedicated to safe mobility, outdoor recreation, and public enjoyment that welcomes all our community members—including those with disabilities—to King County Parks' facilities.

2. Definitions

Other Power-Driven Mobility Device (OPDMD): power-driven device other than a wheelchair used for locomotion by individuals with mobility disabilities. This device may be powered by batteries, fuel, or other engines, and may or may not be designed primarily for use by individuals with mobility disabilities. OPDMDs include golf carts, electronic personal assistance mobility devices, such as the Segway PT, or any other mobility device designed to operate in areas without defined pedestrian routes.

Regional Shared Use Path (Regional Trail): a bikeway physically separated from motor vehicle traffic by an open space or barrier and either within the street right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users. Most shared use paths are designed for two-way travel.

Pathway in Active Parks and Other Outdoor Developed Areas: paved outdoor pathway linking features, facilities, structures, and buildings in active parks and other outdoor developed areas used by the public to access park features and amenities.

Recreational Trail in Parks and Natural Areas (Backcountry Trail): recreation-oriented trail developed in King County parks and designated natural areas that has a surface consisting predominantly of the ground and that is designed and managed to accommodate use on that surface. Trail attributes may vary from minimally developed routes of predominantly native materials with naturally occurring obstacles, narrow passages, steep grades, and structures minimal to non-existent to highly developed trails with wide and relatively smooth treads with few irregularities, passing opportunities, made of native or imported materials, infrequent obstacles and cleared vegetation, with or without substantial structures. These recreation trails are typically designed for use by pedestrians/hikers or bicyclists (e.g., mountain bike uses).

Vehicular Parking Area: access from designated vehicular parking area serving parks, park buildings and structures, gateways to regional share use paths, and trailheads to recreational trails that comply with trail accessibility guidelines in parks and natural areas.

Buildings/Structures: facilities with enclosed spaces or spaces with occupancies governed by building code. Examples include buildings or structures such as, but not limited to picnic shelters, the Clise Mansion, maintenance shops, and the King County Aquatic Center.

3. Guideline

General

King County Parks and Recreation will follow all federal and state laws as established by Title II and Title III of the ADA, the ADA Amendments Act of 2008, and all subsequent United States Department of Justice implementing regulations. This guideline specifically addresses the requirement that a public agency “shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices (OPDMD) by individuals with mobility disabilities” (28 CFR Part 35). In general, OPDMD use by persons with mobility disabilities will be allowed wherever they do not: 1) pose a risk to the safety of the operator or other members of the public, or 2) create a substantial risk of serious harm to the environment, or to natural or cultural resources.

Who May Use OPDMDs

The use of OPDMDs in King County Parks is restricted to people with mobility disabilities as defined in §35.104 of Title II of the ADA. Users of OPDMDs must provide credible assurance that the mobility device is required because of their disability. Credible assurance may be provided by showing park staff a government issued pass showing evidence of a qualified mobility disability or any state’s valid disabled parking placard or card assigned to the person who will be using the OPDMD. Individuals who provide only verbal representation, not contradicted by observable fact, that the device is required because of a mobility disability will not be denied the benefit of this program. Park staff shall not ask an individual using a wheelchair or OPDMD questions about the nature or extent of the individual’s disability.

Use of Assessment Factors

This guideline is based on federal rules that specify the assessment factors public agencies must use as the basis for decisions as to whether it is reasonable to allow the use of a class of OPDMD by individuals with disabilities in specific venues such as park trails and public buildings. These are:

1. The type, size, weight, dimensions, and speed of the device.
2. Pedestrian traffic volume.
3. Facility design and operational characteristics.
4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility.

5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

Park Facility Categories

King County Park facilities can be categorized into five (5) general types for accessibility purposes:

- Regional Shared Use Paths (Regional Trails);
- Pathways in Active Parks and Other Developed Outdoor Areas (not within Buildings/Structures);
- Vehicular Parking Areas;
- Recreational Trails in Parks and Natural Areas (Backcountry Trails); and
- Buildings/Structures.

Standards for Use of OPDMDs

1) Regional Shared Use Paths (Regional Trails), Pathways in Active Parks and Other Outdoor Developed Areas, and Vehicular Parking Areas

Persons with a mobility disability may use a device powered by an electric motor, maximum width of less than 32 inches, and has a stopping mechanism that enables the operator to adequately control the movement of and to stop and hold the vehicle under all conditions (RCW 46.37.340) per the Washington Motor Vehicle Code (Title 46 RCW). The specified width restriction is intended to allow for safe passage along ADA-compliant paths as well as safer path sharing and passing by OPDMD devices, bicycles, pedestrians, and other users.

No other OPDMD may be used, including, but not limited to, gas, or combustible fuel-powered device or motorcycle.

Users of OPDMDs shall comply with all Parks' trail rules and other Parks' rules as well as all County ordinances and state and federal laws, including King County Code 7.12.295 Trail use.

2) Recreational Trails in Parks and Natural Areas (Backcountry Trails)

Persons with a mobility disability may use a device powered by an electric motor, maximum width appropriate to the trail's development conditions, and has a stopping mechanism that enables the operator to adequately control the movement of and to stop and hold the vehicle under all conditions. The specified width restriction is intended to allow for trail sharing and passing by OPDMD devices, bicycles, pedestrians, and other users.

No other OPDMD may be used, including, but not limited to, gas, or combustible fuel-powered device or motorcycle.

Users of OPDMDs shall comply with all Parks' trail rules and other Parks' rules as well as all County ordinances and state and federal laws, including King County Code 7.12.295 Trail use.

Justification (Applies to both 1 and 2, above)

Allowance of these standards on these facilities is consistent with current use on King County regional shared use paths, pathways in parks and other outdoor areas, recreational trails in parks and natural areas, as well as parking areas. These standards will minimize conflicts on these facilities that are used for a wide variety of activities, including pedestrian travel with high use volumes.

Exclusion of fuel-powered mobility devices is due to

- The substantial risk of serious harm to the immediate environment from fire danger created by the heat of fuel-powered engines;
- Most King County regional paths and many pathways in parks and other outdoor areas are associated with environmentally sensitive areas and/or riparian corridors. Engine fuels and other petroleum-based contaminants as well as motor exhaust may potentially contaminate these areas through their use;
- Engine noise from gas-powered vehicles produces a significant zone of disturbance to the activities of native wildlife. These circumstances may present potential harm to the natural environment and may violate local, state, and federal permit requirements.

King County's regional shared use paths, pathways in active parks and other outdoor areas, and recreational trails in parks and natural areas provide stress relief from the surrounding urban environment and are intended to promote healthy activity and lifestyles. These standards are consistent with this intent. They may integrate more safely with other uses and activities and present less opportunity to adversely impact the trail environment.

3) Buildings/Structures

Persons with a mobility disability may use a device powered by an electric motor, with a stopping mechanism that enables the operator to adequately control the movement of and to stop and hold the device under all conditions. The device must be able to fit the width restrictions along ADA-compliant routes in the building/structure including the ability to fit through a 32-inch door opening and be able to maneuver within the turning radius and clear floor space requirements of the US Department of Justice 2010 ADA Standards for Accessible Design. These restrictions are intended to allow for safe passage along ADA-compliant paths by occupants and visitors to buildings and structures.

No other OPDMD may be used, including, but not limited to, gas, or combustible fuel-powered device. OPDMD's classed as motor vehicles are prohibited occupancies inside buildings or

structures unless those facilities are specifically designed for motor vehicles (parking garage). Certain facilities may have additional restrictions based upon Use and Occupancy according to zoning and building codes.

OPDMD devices must not exceed a speed of 3.1 miles per hour under operation within buildings and structures. Storage is not provided for OPDMD devices.

Justification

Allowance of this standard in these buildings and structures is consistent with the 2010 ADA Standards for Accessible Design (2010 ADA Standards) which govern widths, lengths, and heights of maneuvering areas within buildings and structures to allow for safe passage of individuals with disabilities and coincides with requirements built into the international building code for design of spaces based upon occupancy, construction type, occupant load, egress and safety requirements.

Devices that exceed the widths, lengths and heights of maneuvering clearances required by the 2010 ADA Standards are prohibited due to the following reasons:

- OPDMDs that are wider may prevent access to the spaces, services, and programs due to lack of clearance at openings;
- OPDMDs that are longer may prevent users from utilizing common spaces such as restrooms due to lack of turning room available;
- OPDMDs that are taller may encounter barriers at doors that prevent passage; and
- OPDMDs that are larger have the potential to reduce the minimum required egress width available for occupants during emergency.

Exclusion of fuel-powered mobility devices is due to:

- The substantial risk of serious harm to the occupants from exhaust generated by fuel-powered engines in an indoor environment;
- The ability of such devices, if not properly operated at restricted speeds, to cause injury to building occupants; and
- Unless designed as a garage or industrial/factory type of occupancy, the buildings/structures are not equipped to handle the hazards associated with combustion engines. Engine noise from gas-powered vehicles produces a significant zone of disturbance to the activities of native wildlife. These circumstances may present potential harm to the natural environment and may violate local, state, and federal permit requirements.

Posting

This guideline shall be posted on King County Parks' website. For more information contact King County Parks.