

Sioux Falls Parks and Recreation's Policy on Other Power-Driven Mobility Devices (OPDMDs)

INTRODUCTION

On March 15, 2011, the Department of Justice (DOJ) revised rules allowing Other Power-Driven Mobility Devices (OPDMD) to be used by individuals with mobility disabilities. Under the American with Disabilities Act (ADA) Title II this DOJ rule applies to trails on state or local government lands. The amended law states “A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).”

Sioux Falls Parks and Recreation has completed an assessment of all trails within the system to determine any limitations on OPDMDs, identify the areas where they are permitted, describe the characteristics of allowed devices, and establish rules for safe use.

Definitions:

Motorized wheelchairs or mobility scooters means manually-operated or power-driven devices designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. (Americans with Disabilities Act §35.104.)

Other power-driven mobility device (OPDMD) means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by an individual with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf 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. (Americans with Disabilities Act §35.104 and §36.104.)

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. The phrase major life activities mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (Americans with Disabilities Act §35.104.)

Assessment Factors:

In accordance with the DOJ, the following assessment factors have been used to determine whether a particular OPDMD can be allowed within a specific facility as a reasonable accommodation:

- (i)—size, weight, dimensions, and speed of the device.
- (ii)—the facility's volume of pedestrian traffic.
- (iii)—the facility's design and operational characteristics.
- (iv)—whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility.

(v)—the potential for serious harm to environmental, natural, and cultural resources.

Inquiry into use of OPDMD:

Sioux Falls Parks and Recreation reserves the right to ask a person using an OPDMD to provide credible assurance that the mobility device is required because of disability. Credible assurance includes a valid, state-issued disability parking placard or card, or other state-issued proof of disability. In lieu of these items, Sioux Falls Parks and Recreation shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

Inquiry about disability: Sioux Falls Parks and Recreation will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.

SIoux FALLS PARKS AND RECREATION'S OPERATIONAL POLICY ON OTHER POWER-DRIVEN MOBILITY DEVICES

I. GENERAL GUIDELINES:

- A. Operators of all mobility devices must adhere to Sioux Falls Parks and Recreation's ordinances for their safety, the safety of other park users, and for the protection and preservation of the property, facilities, and natural resources of Sioux Falls Parks and Recreation.
- B. Mobility devices must be electric powered only. The exclusion of gas-powered devices as compared to electric-powered devices is due to these factors:
 - o The noise of gas-powered devices produces a significant zone of disturbance to the activities of native wildlife.
 - o The noise and excessive fumes of gas-powered devices negatively impact the experience of other park visitors.
 - o Gas emissions from small engines emit high levels of carbon monoxide, a colorless, odorless, poisonous gas, which is known to negatively affect human and plant health.
- C. Mobility devices are not permitted on trail segments that are closed or designated for "authorized personnel."
- D. Sioux Falls Parks and Recreation reserves the right to suspend use of trail segments by the operator if doing so is in the best interests of the department.
- E. Sioux Falls Parks and Recreation reserves the right to change, modify, or amend this policy at any time.

II. MOTORIZED WHEELCHAIRS OR MOBILITY SCOOTERS

Wheelchairs and mobility scooters can be used in areas open to pedestrians, which would include trails (Americans with Disabilities Act 35.104 and 36.104). Special use passes are not required for these devices. Trails may have irregular tread widths and may not include trail shoulders. There could be trees

or other natural obstacles close to the trail corridor, and trails could be eroded or muddy. There may be obstructions or bridges that make traversing with a wheelchair or mobility scooter more challenging or impassable at times.

III. OTHER POWER-DRIVEN MOBILITY DEVICES

Effective January 1, 2014, Sioux Falls Parks and Recreation will allow appropriate OPDMDs on trails to assist persons with mobility disabilities to more fully enjoy the trail experience. In order to provide credible assurance of their need for an OPDMD, users are expected to display or carry a state-issued disability parking placard or card.

Park Trail Assessments and Restrictions:

Park trails can be categorized into three classes, with specific limitations and justifications as listed below:

Class I

- Trail surface is paved with asphalt or concrete and has grades of 0-5 percent and minimal side slopes.
- Trails accommodate two-way traffic and are generally 8 to 10 feet wide.
- Trails are designed and intended for multiple uses by pedestrians, bicycles, and other nonmotorized devices such as rollerblades.
- Trail use can be heavy depending on location, day of the week, and time of day.

DOJ Assessment Factors:

- (i)—size, weight, dimensions, and speed of the device.
- (ii)—the facility's volume of pedestrian traffic.
- (iii)—the facility's design and operational characteristics.

OPDMDs Allowed/Restrictions:

- No wider than 32 inches to allow for safe passing of other OPDMDs, bicycles, dogs on leash, and pedestrians.
- Length restriction: Must allow for safe passing and turning on trails.
- Speed—In no case can an OPDMD be operated greater than the speed of pedestrian traffic.

Class I Trails

ID #	Park	Description	Distance Miles
1	Bike Trail	Falls Park Drive to Cliff Avenue (Nelson Park)	1.70
2	Bike Trail	Cliff Avenue to 26th Street (Rotary Park)	1.39
3	Bike Trail	26th Street to Cliff Avenue (Tuthill Park)	1.73
4	Bike Trail	Cliff Avenue to Western Avenue (Yankton Trail)	2.27
5	Bike Trail	Western Avenue to 41st Street	1.38
6	Bike Trail	41st Street to 12th Street (Sherman Park)	2.15
7	Bike Trail	12th Street to Russell Street (Elmwood Park)	1.64
8	Bike Trail	Russell Street to Minnesota Avenue	3.77
9	Bike Trail	Minnesota Avenue to North Drive	2.02
10	Bike Trail	North Drive to Falls Park Drive	0.99
11	Bike Trail	Fawick Park to Cherry Rock Park	1.15
12	Bike Trail	Riverdale Park to Rotary Park	0.14
13	Bike Trail	Pasley Park to 49th Street (Southeastern Ave.)	1.34
14	Bike Trail	Spencer Park to Tomar Park	0.22
15	Bike Trail	57th Street to Sertoma Park	0.78
16	Bike Trail	49th Street to Kiwanis Avenue (Oxbow Park)	0.43
17	Bike Trail	49th Street to 41st Street (west side)	0.59
18	Bike Trail	41st Street to I-29	1.37
19	Bike Trail	I-29 to Marion Road	0.62
20	Bike Trail	Marion Road to Dunham Park	0.49
21	Bike Trail	Dunham Park to Legacy Park	1.12
22	Bike Trail	Legacy Park to Family Park	1.36
23	Bike Trail	Marion Road to Confluence Dam (North)	1.24
24	Bike Trail	Sherman Park/Great Plains Zoo Access Trail	0.28
25	Bike Trail	Falls Park to Lien Park	0.59
26	Family	East parking lot to fishing dock	0.11
27	Family	West parking lot to fishing dock	0.03
28	SD 100	From 57th St. to 41st St.	0.99
29	SD 100	From 41st St. to 33rd St.	0.48
30	SD 100	From 33rd St. to 26th St.	0.49
31	SD 100	From 26th St. to 23rd St.	0.19
32	SD 100	From 23rd St. to Split Rock Rd.	0.28
33	SD 100	Split Rock Rd. to dead end at Arrowhead Parkway	0.36
34	SD 100	Madison St. to Maple St.	1.18
35	SD 100	Maple Street to Rice Street	1.59
36	Bike Trail/Lein Park Spur	Cliff Ave. to dead end	0.71
37	Diamond Creek	57th St. to Western Ave.	0.52

Class II

- Trail surface is compacted recycled asphalt or compacted aggregate with grades of 0–5 percent and minimal cross slopes.
- Trails accommodate limited two-way traffic and are generally 4 to 8 feet wide.
- Trails are designed and intended for use by pedestrians.

DOJ Assessment Factors:

- (i)—size, weight, dimensions, and speed of the device.
- (ii)—the facility’s volume of pedestrian traffic.
- (iii)—the facility’s design and operational characteristics.

OPDMDs Allowed/Restrictions:

- No wider than 32 inches to allow for safe passing of other OPDMDs, dogs on leash, and pedestrians.
- Length restriction: Must allow for safe passing and turning on trails.
- Speed—In no case can an OPDMD be operated greater than the speed of pedestrian traffic.

Class II Trails

ID #	Park	Description	Distance Miles
34	Family	West parking lot to 12th Street drainage	0.68
35	Great Bear	Valley Trail	0.51
36	Great Bear	West Valley Trail	0.16
37	Arrowhead	Quarry Pond Trail	0.58
38	Arrowhead	North Loop Trail	0.40
39	Arrowhead	South Loop Trail	0.75
40	Sertoma	Woodland Trail	1.10
41	Sertoma	Prairie Trail	0.60
42	Sertoma	Riparian Trail	0.30

Class III

- Trail surface is soil or turf.
- Trails are designed and intended for pedestrians (hikers), OR are designed primarily for use by bicyclists, but are also open to hikers.
- Trails do not accommodate two-way traffic and vary from a maximum width of 24 inches to a width of up to 48 inches.

- Trails may have limited to no shoulders, have grades in excess of 5% and steep side slopes.
- Trails are routed through heavily wooded areas, areas with sensitive soils, or areas containing sensitive communities of native grasses and flowers.

OPDMDs Allowed/Restrictions:

- OPDMDs not allowed.

DOJ Assessment Factors:

- (i)—size, weight, dimensions, and speed of the device
- (ii)—the facility’s design and operational characteristics.
- (iii)—whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility.
- (iv)—the potential for serious harm to environmental, natural and cultural resources.

Class III Trails

ID #	Park	Description	Distance Miles
43	Legacy	West of north picnic shelter and return (loop trail)	0.31
44	Great Bear	West Pond Trail	0.21
45	Great Bear	Skyline Trail	0.40
46	Great Bear	American Plum Trail	0.10
47	Great Bear	Ironwood Ridge Trail	0.27
48	Great Bear	Shady Glen Trail	0.05
49	Great Bear	Overlook Trail	0.57
50	Great Bear	Gateway Trail	0.23
51	Great Bear	Cactus Hills Trail	0.95
52	Great Bear	Oak Canyon Trail	0.16
53	Great Bear	Miners’ Trace Trail	0.14
54	Great Bear	Grand Meadow Trail	0.22
55	Great Bear	Northern Slope Trail	0.54
56	Arrowhead	Stairstep Quarry Trail	0.28
57	Arrowhead	Quarry Rock Trail	0.33
58	Yankton Trail	East Minnesota parking lot west to main paved trail	0.27
59	Yankton Trail	Main paved trail east to Minnesota parking lot	0.44