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DEPARTMENT OF INFRASTRUCTURE MANAGEMENT

Office of Parks & Recreation

TRAILS MOBILITY POLICY

Subject: Use of Mobility Devices (for persons with mobility disabilities) on lands, trails and facilities managed by the Middlesex County Office of Parks and Recreation

Objective

The purpose of the "Use of Mobility devices (for persons with mobility disabilities) on lands, trails and facilities managed by the Middlesex County Office of Parks and Recreation Policy" is to proactively encourage the use of appropriate mobility devices thus allowing greater access to our indoor and outdoor facilities to people with mobility disabilities while protecting all trail users and the natural and cultural resources from inappropriate use of motorized vehicles and devices. This policy identifies and describes appropriate devices and use of these devices in a manner which achieves this stated objective.

Background

The Middlesex County Office of Parks and Recreation is committed to offering accessible facilities, events and programs to all visitors. Pursuant to revisions in American with Disabilities Act (ADA) Title II ruling (5 CFR § 35.137) regarding mobility devices, especially other power-driven mobility devices (OPDMD) for people with mobility disabilities, the Middlesex County Office of Parks and Recreation has modified policies regarding access to certain trails for people covered under this new rule.

Applicability

This policy applies to the use of mobility devices by persons with mobility disabilities in all indoor and outdoor facilities on Middlesex County Parkland owned and/or managed by the Middlesex County Office of Parks and Recreation, including all parks, conservation areas, recreation areas, preserves, greenways, open space and natural areas. This policy does not refer to use of power-driven devices and/or motorized vehicles by persons without a documented disability. This policy applies only to official routes and trails and not to service roads that are typically closed for public use nor to "unofficial" trails or routes that are unsanctioned by the Middlesex County Office of Parks and Recreation.

Notwithstanding, this policy shall not alter the existing permitted use of motorized vehicles (including gas-powered) in certain areas and programs approved by the Office of Parks and Recreation with the appropriate permission, permits, and/or passes.



Implementation

The following guidelines will be followed to implement this policy in the Middlesex County Office of Parks and Recreation, shall be effective as of February 20, 2015 and shall remain in effect until replaced by a revised policy.

Section 1 – Wheelchairs

Wheelchairs (manually and power-operated) and Manually-Powered Mobility Aids are permitted anywhere foot traffic is allowed.

Section 2 – Other Power-Driven Mobility Devices [OPDMD]

Persons with mobility disabilities may use “Other Power-Driven Mobility Devices” (OPDMD) to access many of the Middlesex County Office of Parks and Recreation trails and facilities, within the guidelines and criteria established below. Access to trails and the use of OPDMD as set forth below is limited to individuals with mobility disabilities. This policy does not authorize the use of these devices by others.

Although the ADA Definition of OPDMD is broad (see *Definitions*), this policy shall limit the type and use of these devices based on permitted factors, including safety factors for all trail users, and any substantial risk to the natural resources, cultural resources, and/or if such use fundamentally changes the nature of the program.

The following criteria for appropriate use of OPDMD by persons with mobility disabilities were established by the County of Middlesex pursuant to permitted assessment factors as described in the American with Disabilities Act (ADA) Title II ruling (5 CFR § 35.137)

1. Type of OPDMD

Permitted OPDMD **shall include** all Electric Powered Mobility Devices including electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, electric-assisted bicycles and the following electric-powered devices: foot scooters, tracked mobility chairs or tricycles that are designed for locomotion by a single individual with a mobility disability.

The aforementioned devices may be used by a person with a mobility disability in Middlesex County Parkland on all paved and aggregate surfaced trails and walkways, sidewalks, and open picnic shelters where pedestrian traffic is permitted as long as all the other requirements as listed below are observed and there are no substantial risks to any trail user, or natural and/or cultural resources.

Permitted OPDMD **shall not include** any Gas-Powered Mobility Devices including any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or bio fuel or combination thereof. These include, but are not limited to all-terrain vehicles (ATVs), carts (three or four wheels), off-road motor bikes (two or three wheels), motor scooters (two or three wheels), motor cycles (two wheels), tractors and vehicles (four wheels). Gas-powered vehicles, no matter the type, shall not be allowed in any facilities enclosed by walls and/or covered by roofs.

2. Weight of OPDMD

The weight of the device shall not typically exceed 550 pounds.



3. Width of OPDMD

The width shall not typically exceed 34 inches.

4. Length of OPDMD

The length shall not typically exceed 62 inches.

5. Speed of OPDMD

The operating speed while in a Middlesex County Office of Parks and Recreation Parkland shall be that of typical walking speed, based on the particular soil type and existing environmental conditions, not to exceed 10 miles per hour. Operator must be in control of the Electric Powered Mobility Device and consider the safety of all trail users at all times.

6. Paved, Aggregate, Compacted Surface Trails

OPDMD that fit the criteria 1 – 5 above may be utilized by persons with disabilities for locomotion on all paved, compacted, and aggregate trails, sidewalks, sand roads that are part of the official trails system, and open picnic shelters in County parkland where pedestrian access is permitted, as long as other limiting factors (described below) are not in effect. Other trails (packed surface, natural surface, etc) require to be individually assessed for suitability for use by power-driven devices. A listing of suitable trails approved for OPDMD use is available on the Middlesex County Office of Parks and Recreation website.

7. Width of Trail

Appropriate OPDMD, as described in this policy, shall be permitted on multi-use trails that permit the safe passage of a wheelchair (up to 30" wide) in the opposite direction. In other words, the trail has to be wide enough to accommodate two OPDMDs passing, or has to have safe passing places.

Trails that are 50" wide or less cannot safely accommodate OPDMDs

8. Other Trail Conditions

The following conditions may also limit the use of OPDMDs on certain trails: inclines over 5%, natural obstructions such as rocks, natural or built steps and stairways, flooded conditions, volume of pedestrian or equestrian traffic, and/or other factors. If any of these conditions exist and pose a significant risk to any trail user, use of OPDMD is discouraged.

9. Trail Use

All trail users are required to stay within the authorized trail footprint to avoid serious harm to natural or cultural resources.

10. Volume of Pedestrian Traffic

There may be particular times where high volume of pedestrian traffic on a particular route prohibits the use of certain OPDMD due to safety considerations. These determinations will be made on a case-by-case basis by the Middlesex County Office of Parks and Recreation. Please call ahead.



11. County Natural Areas and Middlesex County Parkland containing species of concern.

No power-driven vehicles or devices are permitted in the County Natural Areas or Middlesex County Parkland containing species of concern - except in defined parking lots and specifically designated paved or aggregate surfaced trails - because of the substantial risk to natural resources and/or because motors will fundamentally change the program in these areas. A listing of suitable trails approved for OPDMD use is available on the Middlesex County Office of Parks and Recreation website.

12. Buildings

Appropriate OPDMD are permitted in buildings (excluding historic buildings) if the space (width of halls, doors, corridors, and storage space) permits, if the safety of other users is not at risk, and if the presence of the OPDMD does not fundamentally alter the nature of the program being offered. No OPDMD shall be permitted within historic buildings and/or structures, unless otherwise posted.

13. Notification

The terms of this policy shall be posted on the Middlesex County Office of Parks and Recreation website. All users shall be encouraged to contact this office in advance of their visit to ensure their particular OPDMD is approved for use in the particular element(s) and at the particular time(s) they intend to use it. All parks, supervisors and the County Park Ranger Unit shall be issued copies of this policy.

14. Documentation Enforcement

Only persons with mobility disabilities are allowed to use an OPDMD in a Middlesex County Office of Parks and Recreation facility and land where the device would not normally be allowed under state law.

DEFINITIONS

For the purposes of this policy, Middlesex County Office of Parks and Recreation defines the following:

Electric-Powered Mobility Devices: Include any mobility device powered by batteries, including electronic personal assistance mobility devices (EPAMDs), such as the Segway® iPT, electric-assisted bicycles and the following electric-powered devices: foot scooters, tracked mobility chairs or tricycles that are designed for locomotion by a single individual with a mobility disability.

Gas-Powered Mobility Devices: Include any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or bio fuel or combination thereof, including, but not limited to all-terrain vehicles (ATVs), carts (three or four wheels), off-road motor bikes (two or three wheels), motor scooters (two or three wheels), motor cycles (two wheels), tractors and vehicles (four wheels).

