Regulations on the Use of Other Power-Driven Mobility Devices on Public Facilities of the City and County of Broomfield

February 7, 2013

Applicable Federal Regulations

Pursuant to Department of Justice (DOJ) revised regulations governing the Americans with Disabilities Act of 1990 (ADA), Part 35, Title II (DOJ Revised Regulations) the City and County of Broomfield adopts the following regulations to address the use of Other Power-Driven Mobility Devices (OPDMDs) to ensure nondiscrimination on the basis of disability in local public facilities of the City and County, including trails, parks, cemeteries, and other public facilities administered by recreation services.

An OPDMD is defined in the DOJ Revised Regulations (section 35.104) as "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 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." The DOJ Revised Regulations also grant local public entities such as the City and County of Broomfield the ability to make reasonable provisions and modifications regarding the type and usage of OPDMDs on their facilities.

General Restrictions Concerning the Types of OPDMDs Allowed

This section includes general restrictions concerning the use of OPDMDs in all public facilities of the City and County of Broomfield. The purpose of these restrictions is to protect the facilities of the City and County from damage, to preserve the continued availability and enjoyment of its public facilities to all users, and to protect the safety of operators of OPDMDs and other users of public facilities. These general restrictions are in addition to the more specific regulations by type of facility that follow hereafter:

- No device may be used that does visible damage to the surface of the public facility being used; this prohibits devices that damage trails, turf, or any other substance constituting the facility.
- No device may be used that by its size, excludes or causes the exclusion of other users from the public facility. Permissible devices must be size appropriate to accommodate use in accordance with other users of the public facility.
- No device may be used that creates an unreasonable noise disturbance to other users of the facility.
- No device that is gasoline, diesel, or propane powered or which creates any type of fumes or exhaust may be used at an indoor facility.

- No device may be operated in a reckless or dangerous manner, or in any way that jeopardizes the safety of the operator or any other user of the public facility.
- Only individuals with a mobility disability shall be permitted to use an OPDMD. The operator of an OPDMD may not carry another person on the device.
- Users of OPDMDs are subject to all of the same rules and policies of any other public facility user, beyond what is set forth in this document.

Regulations of the Use and Safety of OPDMDs for Trails and Open Space

- Any device must have a width of less than 39 inches to allow the passage of pedestrians, bicycles, strollers, or other devices safely on an 8-foot wide trail. This dimension allows for pedestrians, bicyclists and users of OPDMDs to share the trail by allowing for a variety of trail users to safely pass each other.
- Any device must be able to turn around within an 8-foot wide trail. This will protect from
 damage to vegetation along the sides of the trail and also ensure safety for the user of the
 device to turn around if a trail became impassable.
- Any device must be designed to have a maximum speed of 20 mph or less, and not be modified in any way to increase that speed. Devices designed for speeds of 20 mph or less are typically suited for pedestrian uses and trails that are shared with other users. Devices that are designed for high speed transportation or sport, such as ATVs, motor bikes, or snowmobiles are not safely compatible with pedestrian uses and are therefore prohibited.
- OPDMDs may only be used on designated trails, and may not be used on closed areas, social
 trails, or other open space areas. A map of designated Broomfield trails is available on
 Broomfield's website at www.broomfieldopenspace.com, or a hard copy can be obtained
 upon request.
- While most Broomfield trails are 8-feet wide, there are some sections of trail that are narrower. Please consult Broomfield's website to determine which trails are narrow or have steeper grades to determine if the trail will be passable for a particular type of OPDMD.
- When using an OPDMD, it will still be incumbent on the operator of the device to ensure that it is safe for use on the trails. The City and County of Broomfield will not be responsible for any accidents, damages, injuries, or liabilities incurred from using an OPDMD in or on Broomfield public facilities. The City and County of Broomfield offers no assurance that its trails or other public facilities will be passable on an OPDMD and in particular the conditions of outdoor facilities, such as trails, should be expected to vary in quality with regard to OPDMD accessibility.
- There are several areas in Broomfield with trail grades above 12%. The City and County of Broomfield does not recommend attempting to use an OPDMD in these areas. Please see the web site at www.broomfieldopenspace.com for a map of these trails.

Regulations of the Use and Safety of OPDMDs in Parks

- OPDMDs are permitted in all spectator areas at athletic fields and may not exceed 10 miles per hour when accessing or travelling in these areas.
- To the extent possible, OPDMDs should access athletic and spectator facilities via sidewalks and hardscapes in lieu of turf to minimize damage. However, OPDMDs are permissible on turf and fields where conditions permit the device to travel on such areas without damaging the surface, i.e. rutting from excessive moisture.
- OPDMDs traveling in and through parks on sidewalks shall not exceed 10 miles per hour.
- OPDMDs may access playgrounds by normal routes and may operate within the playground but shall not exceed 4 miles per hour.

Regulations of the Use and Safety of OPDMDs in Cemeteries

- Use of OPDMDs in the cemeteries of Broomfield shall occur in accordance with the general restrictions noted above and in accordance with Chapter 6.0 of the Cemetery Operations Rules and Regulations.
- Use of an OPDMD device shall not exceed 15 miles per hour in a Broomfield Cemetery.
- Provided that an OPDMD can be operated in the cemetery without damage to the turf or other facilities, a person other than the disabled individual may operate the OPDMD to transport a disabled individual to and from sites within the Cemetery.

Regulations of the Use and Safety of OPDMDs in Recreation Services Facilities

- To ensure the safety of users or OPDMDs and other users, OPDMD's access to pools and across other slippery surfaces may be limited in areas. Aquatic wheelchairs are available to assist persons with access to the pool as may be needed.
- Bicycles are prohibited on the pedestrian track; therefore, any electric or electric assisted
 bicycle is prohibited on the track. Provided that an OPDMD can be operated on the track
 without damage to the track or other facilities, occasional use consistently less than 10 miles
 per hour shall be permitted if the use does not fundamentally alter the nature of the use of the
 track which includes cardiovascular exercise or accompanying someone who is completing
 cardiovascular exercise.

Exemption for Maintenance Vehicles

Broomfield staff maintenance vehicles or vehicles of contractors working on Broomfield's behalf shall be exempted from these regulations, as these vehicles are necessary for proper facility maintenance, including but not limited to, trail building, park landscaping activities, trash pick-up or other authorized activities.

Regulations on OPDMDs

Policy Review and Updates

These regulations may be amended in the future as needed through administrative updates by the City and County Manager. Any updates or changes to these regulations will be posted on the City and County of Broomfield website.

Request for Determination

Because these regulations cover a broad range of City and County public facilities, it is impossible to foresee every scenario for trail or other public facility access with regard to the use of OPDMDs by individuals with mobility disabilities. City and County personnel will consider and respond to all written requests for a determination as to whether a proposed use of an OPDMD is permissible under this policy or if such proposed use is prohibited or falls beyond the scope of these regulations. Written requests for determination and or complaints regarding the application of this policy should be directed to the City and County of Broomfield ADA Coordinator at One DesCombes Drive, Broomfield CO 80020. If contact information is provided, a response will be made in accordance with the City of Broomfield Americans with Disabilities Act Grievance Procedure.

For other questions about these regulations, or to request more information, please contact the appropriate City and County of Broomfield Department:

| Open Space and Trails | 303-438-6216 | www.broomfieldopenspace.com |
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| Parks Maintenance | 303-438-6334 | www.broomfield.org/parks |

Cemeteries 303-460-6903 www.broomfield.org/parks/cemeteries.shtml

Recreation Services 303-460-6900 www.broomfield.org/recreation

CITY AND COUNTY MANAGER APPROVAL

Charles Ozaki, City and County Manager