

ID #	BRD-038
Rev	01
Date	09/12/2024
Reso	24-45

Santa Clara Valley Open Space Authority Other Power-Driven Mobility Devices Policy Pursuant to the Americans with Disabilities Act

1.0 PURPOSE

The purpose of the Santa Clara Valley Open Space Authority Other Power-Driven Mobility Devices Policy is to comply with regulations adopted pursuant to the Americans with Disabilities Act (ADA--Title II Regulations, 28 C.F.R., Part 35).

2.0 DEFINITIONS

An Other Power-Driven Mobility Device (OPDMD) is a battery, fuel or other engine-powered mobility device that is used by individuals with mobility disabilities for the purpose of locomotion. Examples of OPDMDs include electronic personal assistance mobility devices (EPAMDs) such as a Segway® PT, ATVs, electric bicycles or other mobility devices designed to operate in areas without defined pedestrian routes. OPDMDs do not include wheelchairs (manual or power operated) or other manually powered mobility aids such as walkers, crutches, canes, braces, or similar devices designed for use by individuals with mobility disabilities. In accordance with Federal law, wheelchairs and other mobility aids are permitted anywhere pedestrian traffic is permitted.

3.0 POLICY

A. Introduction

The Santa Clara Valley Open Space Authority (Authority) hereby makes reasonable modifications to its policies, practices and procedures to permit the use of Other Power-Driven Mobility Devices (OPDMDs) to increase recreational opportunities for people with mobility disabilities. This policy is adopted to comply with regulations promulgated pursuant to the Americans with Disabilities Act (“ADA”). (Title II Regulations, 28 C.F.R., Part 35).

In order to increase recreational opportunities for those with disabilities, it is the policy of the Authority to allow the use of OPDMDs on Authority lands, where they can be operated safely, without posing a risk of harm to natural and cultural resources. Persons without mobility disabilities may not use OPDMDs on Authority lands.

B. Standards and Areas of Authorized Use

1. Permitted Size and Weight

OPDMDs shall not be wider than 36” or longer than 48” or weigh more than 550 pounds.

2. Speed

No person shall operate an OPDMD at a speed in excess of 10 miles per hour. Notwithstanding this speed limit, no person shall operate an OPDMD at a speed greater than is reasonable and prudent having due regard for other users, trail sightlines and the surface of the trail.

3. Permitted Fuel Source

In order to ensure zero emissions, only manually or battery powered OPDMDs are permitted.

C. Rules of Use

1. Who may use an OPDMD

Pursuant to Federal law, the use of OPDMDs on Authority lands is restricted to people with mobility disabilities. Authority staff may not inquire about the nature or extent of a person’s disability but may request that a person using an OPDMD provide credible assurance that the OPDMD is required because of a disability. Credible assurance may be provided by showing verification, for example:

- a) A valid, state-issued, disability parking placard or card issued to the person using the OPDMD
- b) Other state-issued proof of disability
- c) Other Federal-issued proof of disability (e.g., National Parks and Federal Recreational Lands Access Pass)

In lieu of identification, individuals may also provide a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

2. Areas of Authorized Use

- a) OPDMDs permitted pursuant to this policy are authorized to be used on all dirt roads that are part of the Authority’s trail system and open to the general public.
- b) Electric bicycles used by persons with mobility disabilities are permitted on single track multi-use trails that are open to other bicycles.

3. Restricted Areas

- a) OPDMDs are not permitted on single-track trails within the Authority’s preserves, except for electric bicycles as specified above. Electric bicycles are prohibited on single-track trails where other bicycles are excluded due to safety concerns and for the protection of natural resources.
- b) OPDMDs are not permitted in areas that are closed to the general public.

D. Variance Procedure

Those who seek to use an OPDMD which does not meet the standards defined herein, or who seek to use an OPDMD in a location where OPDMDs are not allowed pursuant to this Policy may request a variance. Variance requests should be submitted in writing to the Authority as follows:

U.S. MAIL
Santa Clara Valley Open Space Authority
33 Las Colinas Lane
San Jose, CA 95119
Attn: ADA Coordinator

EMAIL
ADA@openspaceauthority.org

The requested variance shall be evaluated, and a decision shall be communicated to the applicant of the variance within seven (7) business days from the date of receipt of the request by the Authority.

4.0 RESPONSIBILITIES

This policy applies to the General Manager, Assistant General Manager, ADA Coordinator, Administrative Operations Manager, Field Operations Manager, Supervising Open Space Technicians and all Field Staff.

Policy Approval History

Policy #	Revision	Date	Reso	Action
BRD-038	00	02/13/2014	14-03	Reviewed and Adopted
BRD-038	01	09/12/2024	24-45	Updated