



Title:
MOBILITY DEVICE USAGE POLICY

Subject:
GENERAL OPERATIONS

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Policy Number:
04.20.00

Category:
DISTRICTWIDE POLICY

Approval Date:
11/29/2016

Last Revised Date:
06/13/2018

POLICY STATEMENT:

The Forest Preserve District of Cook County (*the "District"*) is committed to enabling the use and enjoyment of the District by visitors with mobility limitations. To further this commitment, the District has created this policy to allow for the safe use of OPDMD on District property.

PURPOSE:

The District has created this policy to:

1. Accommodate those who require the assistance of a mobility device;
2. Comply with 28 Code of Federal Regulations sections: 35.104, 35.137, 36.104, 36.311 and;
3. Avoid unreasonable discrimination in the running of public services against persons with mobility disabilities for the purpose of transportation.

AFFECTED AREAS:

The scope of this policy applies to all persons entering, visiting or using District resources.

DEFINITIONS:

Other Power-Driven Mobility Device (OPDMD): An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities. OPDMDs may include golf carts, electronic personal assistance mobility devices, such as the Segway ® Personal Transporter (PT), or any mobility device that is not a wheelchair, which is designed to operate in areas without defined pedestrian routes.

Wheelchair: A wheelchair is a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. Individuals with mobility disabilities must be permitted to use wheelchairs and manually powered mobility aids, i.e., walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian traffic.

PROCEDURE/PROCESS:

- 1) **OPDMD Specifications:** The District may assess the following factors to determine whether a particular OPDMD can be allowed in a specific facility as a lawful accommodation/ modification:
 - a. The type, size, weight, dimensions, and speed of the device.
 - b. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).

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- c. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user).
 - d. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility.
 - e. 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.
- 2) **Inquiries:** District employees should not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability.
- 3) **Permission:** In order to maintain a safe pedestrian environment and the desired pace and flow of visitor traffic, the District authorizes persons with mobility impairments to use OPDMD on hard surfaces and trails and at outdoor recreation facilities or preserves, subject to the following restrictions:
- a. The operator of the OPDMD must be a person with a mobility impairment;
 - b. The OPDMD is allowed only on hard surfaces and trails or outdoor recreation facilities in which the General Public is allowed;
 - c. The OPDMD operator must not use or operate such a device at preserves, on a hard surface trail, or at an outdoor facility **if use of the device causes damage to the trail/path/sidewalk, the preserve grounds or infrastructure, or facilities;**
 - d. The OPDMD must be operated at a speed that is similar to surrounding foot traffic;
 - e. **The OPDMD:**
 - 1. Must not be operated in a dangerous or reckless manner or at speeds that jeopardize the safety of the operator, or other persons.
 - 2. Must not be driven into wet or ecologically sensitive or hazardous areas.
 - 3. Must not be operated when preserves are not in operation.
 - f. The District **does not recognize** the use of **Segways®** as an appropriate device for use inside District facilities due to the congestion of foot traffic and Segway usage within the facility may create a hazardous environment.
 - g. The District does not accept responsibility for storage of the OPDMD.
 - h. The District does not accept responsibility/liability for damage to the OPDMD, or injury to the operator, whether caused by the operator, another visitor to a facility or site, or any other circumstance.
 - i. The District reserves the right to suspend the use of facilities or sites by the OPDMD operator if doing so is in the best interests of the District and its participants.
 - j. The District reserves the right to change, modify, or amend this policy at any time, as it deems appropriate

TRAINING REQUIREMENTS:

- 1) All relevant District employees shall be trained on this policy.

COMMUNICATION PLAN:

- 1) This policy shall be distributed to all relevant staff.
- 2) This policy shall be added to the District shared drive, intranet, and website.

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REFERENCES:

Title 2 of the Americans with Disabilities Act of 1990

https://www.ada.gov/ada_title_II.htm

Title 3 of the Americans with Disabilities Act of 1990

https://www.ada.gov/ada_title_III.htm

28 Code of Federal Regulations: Sections: 35.104, 35.137, 36.104, 36.311

https://www.ada.gov/regs2010/titleII_2010/titleII_2010_integrated.htm

POLICY LEAD:

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APPROVAL:

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POLICY HISTORY:

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Revised:

If you have questions, comments, or suggestions concerning District policies, please contact:

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