



ADMINISTRATIVE PRACTICES MANUAL

**SUBJECT: MOBILITY AIDS, INCLUDING, BUT NOT LIMITED TO
OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD)**

POLICY STATEMENTS

It is the policy of Dane County to provide people with disabilities access to and participation in programs and services offered by Dane County at the same level as Dane County provides to people without disabilities.

It is the policy of Dane County to permit individuals with mobility disabilities to use wheelchairs (manual or power-driven) and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any area in Dane County facilities, areas, and grounds that is open to pedestrian use. If an individual who uses a wheelchair or other manually-powered mobility aid encounters difficulty accessing a Dane County facility, area, or grounds, then Dane County's policy regarding ADA Public Accommodation Requests may be applicable. See: http://dcinet/resources/apm/pdf/ADA_Title_II- Public_Accommodations- Policies + Procedures- 8-10 .pdf

Similarly, it is the policy of Dane County to allow other power-driven mobility devices (OPDMD's) on its grounds and in its facilities as Dane County would allow any other citizen, except where there are (a) legitimate safety concerns; (b) substantial risk of serious harm to the immediate environment or cultural resources, or (c) a conflict with federal land management laws and regulations.

Individual departments may develop their own policies that supplement this policy after conducting an "OPDMD Assessment" as defined below. It is the policy of Dane County to encourage individual Dane County departments to make reasonable modifications to the department's existing policies, practices, or procedures when possible rather than prohibit the use of other power-driven mobility devices by individuals with mobility disabilities. A Dane County department may determine that it needs to limit (or prohibit) the use of OPDMD's, but may do so only after completing an "OPDMD assessment" as that term is defined below. The policy that implements the department's determination should clearly state the circumstances (if any) under which the use of OPDMDs will be permitted as well as any type of OPDMDs that will be permitted (if any). The policy should include clear, concise statements of specific rules governing the operation of OPDMDs, and the department should provide notice to the public of its policy.

DEFINITIONS

1. **An Other Power-Driven Mobility Device ("OPDMD")** means any mobility device that is not a wheelchair, that is 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.



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2. OPDMD Assessments: An individual Dane County department conducts an “OPDMD Assessment” when determining whether a particular OPMD can be allowed in a specific facility, area or grounds, and should include:

- The type, size, weight, dimensions, and speed of the OPMD;
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- 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);
- Whether legitimate safety requirements can be established to permit the safe operation of the OPMD in the specific facility; and
- Whether the use of the OPMD 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.

An individual Dane County department's “OPDMD Assessment” will reflect safety requirements that are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

OPERATOR RESPONSIBILITIES:

Operating an OPDMD on department leased or managed areas, roads, and trails, carries a greater responsibility than operating that vehicle in a city or other developed setting. Not only must the operator know and follow all applicable traffic laws, the operator needs to show concern for the environment as well as other users.

The operator must drive cautiously and anticipate rough surfaces and features such as snow, mud, vegetation, tree roots, and water crossings common to remote driving conditions. The operator voluntarily assumes full responsibility for these damages, risks, and dangers. The operator must take care at all times to protect him or herself and those under his or her responsibility.

The OPDMD operator is subject to State traffic laws, including State requirements for licensing, registration, and operation of the vehicle in question. Motor vehicle use, especially off-highway vehicle use, involves inherent risks that may cause property damage, serious injury, and possibly death to participants.

Compliance with all policy rules is the operator's responsibility. A person may be asked to leave the site if the device is being operated in an unsafe or disruptive manner. If a device is operated in an unsafe or disruptive manner, or on a trail or in an area where such devices are prohibited, the operator may be subject to arrest and prosecution.



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PROCEDURE

Dane County staff will not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability.

Dane County staff may ask a person using an OPDMD to provide a credible assurance that the mobility device is required because of the person's disability. Dane County accepts the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the OPDMD is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, Dane County can accept a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.