

**CITY OF ALLENTOWN**  
***Department of Parks & Recreation***

**OTHER POWER-DRIVEN MOBILITY DEVICE (OPDMD)**  
**POLICY: LEHIGH PARKWAY**

***Purpose Statement***

The purpose of these guidelines is to implement the Department of Justice's (DOJ) regulations that focus on the use of wheelchairs and other power driven mobility devices (OPDMD) for activities in Allentown City parks. Pursuant to CFR § 35.137, an assessment of multi-use share paths in the Lehigh Parkway trails was conducted to determine whether particular devices can be used to access the trails. Access to trails and the use of devices as set forth below is limited to individuals with mobility disabilities and this policy does not authorize the use of these devices by others.

***Definitions***

*Disability:* With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. (*Americans with Disabilities Act §35.104*).

*Device:* A thing made or adapted for a particular purpose, especially a piece of mechanical or electronic equipment.

*Other power-driven mobility devices (OPDMD):* 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 purposes of locomotion, including golf cars, electronic personal assistance mobility devices (EOAMDs), such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. (*Americans with Disabilities Act §35.104*).

*Manual-powered mobility aid:* Devices such as wheelchairs, scooters, walkers, crutches, canes or braces, designed for use by individuals with mobility impairments in any area open to pedestrian use.

*Wheelchair:* Any 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.

*Electric-powered mobility device (EPMD):* Any mobility device powered by batteries, including multiple passenger carts (three or four wheels), Electronic Personal Assistance Mobility Devices (EPAMDs – such as the Segway PT), battery-powered bikes (two or three wheels), and single passenger scooters (three or four wheels).

*Multi-Use shared path:* A path that has been designed primarily for use by bicyclists and pedestrians, including pedestrians with disabilities, for transportation and recreation purposes.

### ***Assessment Factors:***

The following five (5) Assessment Factors referenced in the regulation and used by the City of Allentown in developing the accessibility policy will be discussed as one topic:

1. The type, size, weight, dimensions and speed of the device;
2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month or year);
3. The design and operational characteristics of the trail;
4. Whether legitimate safety requirements can be established to permit safe operation of the other power-driven mobility device on the specific trail or trail section;
5. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

### ***Trail Surface***

The multi-use shared paths along the Lehigh Parkway are generally comprised of a combination of crushed gravel trail mix stone, with a small distance comprised of macadam. The crushed stone surface can accommodate the weight of all pedestrians and all non-power-driven pedal assisted devices. However, the City has determined that power-assisted devices with a weight of over 550 pounds pose a threat to the structural stability of the surface, especially when the surface is wet. Additionally, any shifting of the surface, under any conditions, simultaneously poses a safety risk to the device user.

### ***Trail Width***

Multi-use shared paths in the Parkway typically average between 10 and 12 feet in width. The vast majority of the paths are 10' wide and comprised of crushed stone. This width allows for safe passage of pedestrians, bicycles and horses moving in opposite directions, along paths that undulate and change with the terrain and closely follow the Little Lehigh Creek. At some locations, where the path is directly adjacent to the creek, there is no place to pull over in the event of oncoming traffic. A significant level of risk is posed due to the high capacity pedestrian, bicycle and equestrian use on these paths. This policy restricts power-driven devices wider than 36 inches, such as golf carts and ATVs, as they can pose a safety threat to path users.

### ***Trail Speed***

For safety purposes, and in consideration of public enjoyment of the Parkway, this policy establishes a maximum trail speed of 12 MPH for all devices operated on the paths, regardless of whether the device is a power-driven or non-power-driven device. Trail users operating any of the above mentioned devices must observe this speed limit at all times and must yield to oncoming pedestrians.

### ***Power-Driven Devices***

Mobility devices using multi-use shared paths must be electric powered only. The exclusion of gas-powered devices as compared to electric powered devices is due to several factors:

- Title Seven; Article 951, Park Regulations- prohibits any vehicles that emit excessive or unusual noise, noxious fumes, dense smoke or other pollutants.

- The noise of gas-powered devices produces a significant zone of disturbance to the activities of native wildlife.
- The noise and excessive fumes of gas-powered vehicles negatively impact the experience of other park visitors.

### ***City of Allentown Lehigh Parkway Accessibility Policy***

The City of Allentown has completed an assessment of multi-use paths in the Lehigh Parkway to determine whether it is able to make reasonable modifications in its policies, practices or procedures to allow the use of “other power-driven mobility devices” (OPDMDs) in the park. After analyzing the Assessment Factors, it has been determined that persons with a mobility disability may use any electric-powered mobility device on multi-use shared paths that is no heavier than 550 pounds, does not exceed a noise level of 60 dBA and is no wider than 36 inches. Power-driven wheelchairs are permitted. Segways are permitted. No other power driven devices may be used, including, but not limited to any gas or similarly powered combustible devices, ATV’s, golf carts or dirt bikes.

The City of Allentown has established a maximum trail speed of 12 MPH for all devices operated on the trails in Lehigh Parkway, regardless of whether the device is power-driven or non-power driven.

### ***Legal Disclaimer***

The adoption of this policy does not represent an endorsement that Parkway paths or other park properties are safe for the use of an OPDMD or wheelchair. Users must exercise reasonable caution and care, while operating such devices within the Allentown park system.

### ***How Mobility Disability will be Validated***

Persons with a mobility disability may show a valid, State-issued, disability placard or card, or other State-issued proof of disability that has been issued to them, or they may state that they are using the mobility device due to a mobility disability. City representatives may not ask about the nature and extent of the individual’s disability. The rule also adds that the claim of a mobility disability must be considered valid as long as it is not contradicted by observable fact.