



TO: Ed Pawlowski, Mayor
FROM: Lindsay L. Taylor, Director of Parks & Recreation
DATE: February 16, 2018
SUBJECT: Other Power-Driven Mobility Device Policy Recommendation

OVERVIEW

In March 2011, the U.S. Department of Justice (DOJ) issued regulations interpreting the Americans with Disabilities Act that greatly expanded the types of vehicular devices that can be allowed on trails and shared use paths in public parks. Unless local government agencies create specific written policies governing the use of motorized devices in its parks, all such devices must be allowed without restriction.

BACKGROUND

The Lehigh Parkway is a 476 acre greenway through which the Little Lehigh Creek runs. It is an extremely popular natural area that is used by many for various recreational activities including running, walking, bicycling, horseback riding and fishing. The Department of Parks & Recreation, in following the requirement of the DOJ, conducted an assessment of the multi-use shared paths in the parkway and has developed a policy concerning the use of Other Power-Driven Mobility Devices (OPDMDs) on these paths.

DOJ regulations distinguish between wheelchairs and OPDMDs. Wheelchairs are devices that are specifically designed for use by people with mobility impairments. They must be permitted in all areas open to pedestrian use. OPDMDs are not designed for individuals with disabilities, but they can be used by people with mobility-impairments. OPDMDs are also permitted in all

areas open to pedestrians, unless the trail provider can establish that their use would change the provider's program or activities or create a safety hazard or threat. The use of OPDMDs on public property can, therefore, be restricted, but only if the restriction is based on a series of five (5) assessment factors:

1. The type, size, weight, dimension and speed of the device;
2. The facility's volume of pedestrian traffic;
3. The facility's design and operational characteristics;
4. Whether legitimate safety requirements (such as limiting the speed to the pace of pedestrian traffic) can be established to permit safe operation of the OPDMD; and
5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

ASSESSMENT

The Department of Parks & Recreation conducted an assessment of the multi-use shared paths in the Lehigh Parkway to determine whether reasonable modifications can be made to its policies, practices or procedures to allow the use of OPDMDs.

The results of the assessment concluded that:

1. The multi-use shared paths in the Lehigh Parkway are comprised mostly of crushed gravel trail mix stone that can accommodate the weight of pedestrians and non-power-driven pedal assisted devices, but devices with a total weight of over 550 pounds pose a threat to the structural stability of the surface.
2. The multi-use shared paths typically average between 10 and 12 feet in width, with the vast majority of the paths 10 feet wide and comprised of crushed stone. They are heavily used by pedestrians and bicyclists. This width allows for safe passage of pedestrians and bicycles moving in opposite directions, along paths that undulate and change with the terrain and closely follow the Little Lehigh Creek, but 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. At others, such as at the top of a rise in the path, it can be difficult to see oncoming traffic.
3. The exclusion of gas-powered devices is due to the fact that the noise and fumes of gas-powered devices disturbs native wildlife and negatively impact the experience of other park visitors.

RECOMMENDATION

After analyzing the assessment factors, the Department recommends that people with a mobility disability be able to use any electric-powered mobility device on multi-use shared paths in the Lehigh Parkway that totals, including the weight of the user and the weight of the

device, no more than 550 pounds, does not exceed a noise level of 60 dBA and is no wider than 36 inches. Power-driven wheelchairs and Segways would be permitted. No gas powered devices could be used such as cars or trucks, ATVs or dirt bikes. The Department also recommends a maximum path speed of 12 MPH for all devices operated on the multi-use shared paths in the parkway, regardless of whether the device is power driven or non-power driven. Attached please find a copy of the proposed policy.

Upon your review and approval, I would like to proceed with the following:

1. Distribute the policy to members of City Council and make myself available (subject to your knowledge and approval) to answer any questions in advance of its public presentation.
2. Reach out to the one gentleman that we know of, a resident of Salisbury Township, who has a mobility-related disability, and has been requesting full access to all paths in the parkway to inform him of the forthcoming policy.
3. Train staff on implementing the policy.

I look forward to answering any questions that you may have.