



HARRISBURG TOWNSHIP PARK DISTRICT OTHER POWER DRIVEN MOBILITY DEVICE (OPDMD) POLICY

The Harrisburg Township Park District is dedicated to providing all of its guests with equal enjoyment of its parks. The Harrisburg Township Park District (“the District”) has taken into consideration the use of other power driven mobility devices and factors such as impacts on other users, the safety of other users, and impacts on property and infrastructure.

I. DEFINITIONS

The following words shall have the following meanings when used in this Policy.

“District” means HARRISBURG TOWNSHIP PARK DISTRICT.

“Executive Director” means the Executive Director of the District.

“Board” means the Board of Commissioners of the District.

“Employee” means any individual in the employ of the District.

“Policy” means this Other Power Driven Mobility Device Policy.

“Wheelchair” means 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 both indoor and outdoor locomotion.

“Other Power Driven Mobility Devices (OPDMD)” means 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 the purpose of locomotion, including golf carts/cars, electronic personal assistance mobility devices (EPAMDs), such as Segway® PT, or any mobility device designated to operate in areas without defined pedestrian routes, but that is not a wheelchair within the definition of this section.

“Electric-powered mobility devices” means 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).

“Gas-powered mobility devices” means any mobility device powered by a gas-fueled engine using natural gas, gasoline, diesel, synthetic or bio-fuel or a combination thereof, including all-terrain vehicles, carts (three or four wheels), off-road bikes (two or three wheels), motor scooters (two or three wheels), motorcycles (two wheels), tractors, and vehicles (four wheels).

“Tandem wheel device” means a two, three, or four-wheeled mobility device where the wheel alignment is parallel along one or more axles.

“Inline wheel device” means a two-wheeled mobility device where the wheel direction of travel are aligned in the same plane.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

II. POLICY / PROCEDURES

A. Guidelines

The following are guidelines for the use of Other Power Driven Mobility Devices (OPDMDs) by individuals with mobility disabilities in Harrisburg Township Park District managed properties.

- Wheelchairs and manually powered mobility aids use by individuals with mobility disabilities shall be permitted in any areas open to pedestrian use.
- An OPDMD must remain on trails except to the extent necessary to comply with yielding requirements. An OPDMD must be capable of being turned around within the trail tread in a safe manner. The OPDMD may not cause unnecessary damage to the trail surface.
- An OPDMD must be operated at a safe speed of 4 MPH or less in an indoor facility and 6 MPH or less at an outdoor facility.
- Trails or pathways may be restricted due to features such as bridges based upon their design or capacity. Please consult the park office for questions or further instructions.
- An OPDMD must have the capacity to safely negotiate trail features and obstructions if said obstructions are located on the specific pathway use by the operator of an OPDMD.
- An OPDMD must be no wider than 36 inches and no more than 600 pounds while occupied to ensure the safe passage of other traffic by foot, bicycle, or other OPDMD device on OPDMD-approved areas.
- The OPDMD may be used only by the person with the mobility disability and a driver if the person’s disability prohibits them from operating or driving the OPDMD. Additional non-disabled passengers are not permitted.
- Gas-powered mobility devices are not permitted on trails or in open spaces owned or managed by Harrisburg Township Park District.
 - The exclusion of gas-powered mobility devices, as compared to electric-powered mobility devices, is due to the engine noise of gas-powered vehicles, which can negatively impact visitor experience. Noise does not preclude recreation activities but does diminish the enjoyment of the overall experience. Furthermore, noise from gas-powered mobility devices poses a health risk to adjacent recreationalists when it exceeds 70 dB. Most gas-powered vehicles exceed this noise level.

Notwithstanding the general guidelines described above, the Executive Director shall have authority to direct a qualified individual with a disability on the safe operation of a permitted OPDMD in light of the existing conditions at the facility where such individual seeks to operate the device and actual perceived risks related thereto, but not mere speculation, stereotypes, or generalizations about individuals with disabilities. In giving direction on the safe operation of a permitted OPDMD, the Executive Director may consider the then existing uses at the facility, the volume of pedestrian traffic, the prevailing environmental conditions, the density and placement of stationary devices, and the individual’s experience with the operation of such device.

Due to varying conditions on Harrisburg Township Park District properties, and to ensure safety and/or natural resource protection, Harrisburg Township Park District recommends that OPDMD users contact the park office at 618-252-2111 to confirm whether an OPDMD is permitted on a particular trail.

By adopting these guidelines, Harrisburg Township Park District is not representing that the Harrisburg Township Park District properties are safe for use by an OPDMD and does not assume any liability. Certain risks are inherent in the use of Harrisburg Township Park District properties and all users must exercise reasonable care.

B. Inquiry into Disability

A Harrisburg Township Park District employee or volunteer inquiring as to a mobility disability or use of an OPDMD on Harrisburg Township Park District property shall comply with the following:

- The Harrisburg Township Park District employee or volunteer shall not ask a person using an OPDMD questions regarding the nature and extent of the person's disability.
- The Harrisburg Township Park District employee or volunteer may ask a person using and OPDMD to provide credible assurance that the OPDMD is required because of the person's disability. Harrisburg Township Park District employees or volunteers shall accept 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 person's mobility disability.
- In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, the Harrisburg Township Park District employee or volunteer shall accept as credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

C. Operator Responsibilities

Operating a mobility device on any Harrisburg Township Park District's lands, leased, managed, or maintained trails, paths, and roads carries a great responsibility during its operation. Not only must the operator know and follow all applicable traffic regulations, but they must also show concern for the environment as well as other users of the parks. The misuse of mobility devices can cause the temporary or permanent closure of Harrisburg Township Park District's lands, paths, trails, and/or roads. Mobility device use in an outdoor setting poses difficulties with terrain that may involve rain, mud, snow, ice, debris, vegetation, tree roots, and water crossing during poor weather conditions. These are inherent risks that may cause injury to the operator and/or damage to the property or other participants using the parks. The operator must operate cautiously while using an OPDMD in Harrisburg Township Park District properties. The operator voluntarily assumes full responsibility for these risks and dangers. Compliance with Harrisburg Township Park District rules and regulations is the operator's responsibility. A person may be asked to leave the site if the operator of an OPDMD is operating in an unsafe or disruptive manner. If an operator is using an OPDMD on a restricted location, the user of the OPDMD may be subject to prosecution.

D. Variances

The Executive Director may grant a qualified individual with a disability a variance to allow a gas-powered mobility device only at an outdoor facility owned and operated by the Harrisburg Township Park District upon a showing that (a) the application of this restriction would cause an undue hardship on the applicant, and (b) emissions from the gas-powered mobility device shall not have a deleterious impact on the health and safety of other District patrons participating in or observing the relevant activity, service, or program. Applications for a variance must be received by the Executive Director at least 48 hours in advance of the relevant program, activity, or service to which is shall apply, or the first in a series thereof.

E. Safety

This policy does not require the Harrisburg Township Park District to permit an individual to participate in or benefit from the services, programs, or activities of the District when that individual poses a direct threat to the health or safety of others. The Executive Director has authority to prohibit an individual from participating in or benefiting from the services, programs, or activities of the District when that individual poses a direct threat the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, the Executive Director must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of polices, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

F. Notice

The Harrisburg Township Park District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this policy and its applicability to the services, programs, or activities of the District in a manner designed to apprise such persons of the protections against discrimination assured them by the Americans with Disabilities Act, as amended (“the Act”), and this policy.

This policy does not require the Harrisburg Township Park District to provide to individuals with disabilities personal devices, such as wheelchairs or permitted Other Power Driven Mobility Devices.

The Harrisburg Township Park District accepts no responsibility for storage of any mobility device.

The Harrisburg Township Park District accepts no liability for damage to any mobility device, or injury to the operator, whether caused by the operator, another visitor to a District facility or site, the physical conditions of the District facility or site, or any other circumstance.

The Harrisburg Township Park District accepts no liability for damage caused by the operator of the mobility device or injury to others caused by the operator of the mobility device.

The Harrisburg Township Park District accepts no liability for any injuries or property damage, to either the operator or others, resulting from the District's failure to enforce this policy or to supervise the operator of an OPDMD.

The Harrisburg Township Park District reserves the right to change, modify, or amend this policy at any time.

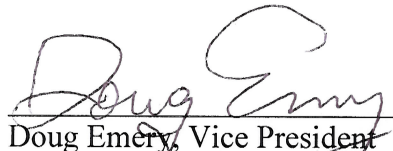
III. AMENDMENTS

This Policy may be amended by the District at any time. If the Policy is amended, the District shall file a written copy of the Policy, as amended, with the Board and shall also advise all District employees of the existence of the amended Policy. A copy of the amended Policy will be made available to District employees.

IV. EFFECTIVE DATE


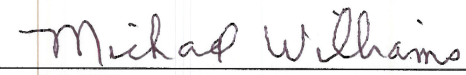
This Policy becomes effective AUGUST 21, 2020.


Richard Rumsey, President


Doug Emery, Vice President

8/21/2020
Date Signed

ATTEST:



Michael Williams, Secretary / Treasurer