

## Policy

### *Introduction:*

It is the policy of the Little Traverse Conservancy (LTC) to allow the use of Other Power-Driven Mobility Devices (OPDMDs) on land owned and managed by LTC under the following guidelines. These guidelines are pursuant to the U.S. Department of Justice (DOJ) regulations amending the American's with Disabilities Act (ADA), Title II regulation, 28 CFR Part 35, effective March 15, 2011. *This policy does not apply to wheelchairs which are permitted by law on all pedestrian trails.*

This policy is designed to balance the important goal of expanded access for those needing mobility assistance with the physical safety of all trail users, the need to protect sensitive natural and cultural resources from degradation or adverse impacts, and the need to ensure trails are being used in a manner consistent with their design. It takes into consideration the DOJ's specific assessment factors as they apply to LTC land in identifying the types, sizes, and weights of vehicles that are appropriate for Preserve trails.

**1. Evidence of a Mobility Disability.** Unless otherwise authorized by the Conservancy, the use of OPDMD on Conservancy lands is restricted to people with a mobility disability as defined in §35.104 of ADA Part 35 (Title II)- NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES. All users of OPDMD on Conservancy lands are required to provide credible assurance of a mobility disability by display of a State-issued disability parking placard or card on the OPDMD. In lieu of a valid, State-issued disability parking placard or card, or State issued proof of disability; the Conservancy shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

**2. Trail Categorization.** LTC has identified two basic trail categories:

A. OPDMD suitable trails

- Generally wide (8 feet of clearance)
- Paved, gravel, or compacted surface
- Two-track roads on upland native soil that is not erosion prone
- Slight to moderate slope
- Safe for reasonable OPDMD operation
- Unavoidable sensitive environmental features are not present
- Sight distances are generally greater than 50 feet
- Flat surface with grade separations less than 4" in height
- There is a loop route or adequate turning radius present

B. Trails not suited to OPDMD use

- Narrow (4 feet or less), typically single-track, naturally-surfaced trails
- Presence of features or sections not safe for reasonable OPDMD operation (bridges, steep sections, precipitous side-slopes, etc.)
- Presence of sensitive environmental features (wet spots, stream crossings; highly erodible soils; endangered, threatened, or special concern species)
- Trail has a rough surface with several grade separations greater than 4" in height
- Steep slope (gradient greater than 5%)

**3. Notification.** LTC will inventory and categorize its complete trail system (example attached). The presence and location of trails suitable for OPDMD use will be posted on the Conservancy website, trailhead kiosk, and be available at the Conservancy office.

**4. Rules and Procedures for OPDMD use.** For the physical safety of mobility device users and other trail users, for protection of sensitive natural resources on natural areas, preserves and forest reserves, noise mitigation, and for seasonal fire prevention, the following rules apply:

A. Only the following types of OPDMDs may be permitted (some lands may be more restrictive):

1. Licensed automobiles (cars and pick-up trucks)
2. Vehicles typically categorized as ATVs and ORVs
3. Electronic personal assistance mobility devices (EPAMDs) e.g., Segways®, electric-assisted bicycles and the following electric-powered devices: foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability as a substitute for walking
4. Electric golf carts

B. Noise emitted by OPDMDs may not exceed 70 decibels.

C. Cars and trucks must have an exhaust system and muffler in good working order

D. ATV's must have an approved spark -arresting muffler.

E. To maintain the safety of all trail users, OPDMDs must be operated at a safe speed, not exceeding five (5) miles per hour. Where other visitors are present and visible on the trail, a slower speed is recommended.

F. No OPDMD is allowed to overtake another trail user unless that trail user yields to the OPDMD operator.

G. All OPDMD-suitable trails on LTC Preserves are gated and locked. OPDMD users must contact LTC (call, write, or visit the office) to request usage of a particular trail system or preserve with their OPDMD. A minimum notice of 48 hours is required to make arrangements for the use of a OPDMD. A form will be developed requesting pertinent information.

H. Applicants must pick up key at LTC office in person and attend an orientation meeting (maps and rules covered). A permit will be issued that must be displayed on the OPDMD during use. Development of a "frequent user program" will be considered to expedite this process.

I. The gate key must be returned within 48 hours following site visit.

J. OPDMDs must remain on designated trails, unless other arrangements have been requested and approved by Conservancy staff.

K. LTC may choose to temporarily close any trail to OPDMD use due to adverse trail conditions or for any other reason at its discretion.

L. All other LTC rules must be observed.

M. LTC reserves the right to deny OPDMD use to persons who violate preserve rules

**5. Evaluation.** LTC staff will track OPDMD use and impacts and produce a summary and evaluation with recommendations for policy revision annually.