

MOBILITY DEVICES

SUMMARY

The Americans with Disabilities Act (ADA) is a federal law. This law requires state and local governments to allow people with mobility disabilities to use wheelchairs and manually powered mobility aids in any areas open to pedestrian use ("pedestrian use" includes both indoor and outdoor areas). The law also requires state and local governments to make reasonable modifications in their policies, practices, or procedures to permit the use of other power-driven mobility devices (OPDMDs) by individuals with mobility disabilities with certain exceptions.

PROCEDURE

County departments must allow people with mobility disabilities to use wheelchairs and manually powered mobility aids in any areas open to pedestrian use.

County departments must also make reasonable modifications in policies, practices, or procedures to permit the use of OPDMDs by individuals with mobility disabilities unless the department can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements necessary for the safe operation of its applicable services, programs, or activities. The department, however, must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

To determine whether an OPDMD will be allowed in a specific facility as a reasonable modification, a department shall consider the following:

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 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);
4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility; and
5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with all applicable land management laws and regulations.

Departments must not ask an individual using a wheelchair or OPDMD any questions about the nature and/or extent of the individual's disability.

Departments may ask a person using an OPDMD to provide a credible assurance that the mobility device is required because of the person's disability. A department that permits the use of an OPDMD by an individual with a mobility disability shall accept the presentation of a valid, state-issued, disability parking placard, 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 state-issued proof of disability, a department shall accept a verbal representation, not contradicted by observable fact, as a credible assurance that the OPDMD is being used for a mobility disability. A "valid" disability placard is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards.

Note:

The term "other power-driven mobility device", as referred to in this procedure, 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 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, but that is not a wheelchair.

CONTACT(S):

Department/Division

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