

Mobility Device Policy

In accordance with the US Department of Justice (DOJ), Americans with Disabilities Act (ADA), revised regulations for Titles II and III, the 2010 ADA Standards for Accessible Design of 15 November, 2010, the cities of Grand Forks and East Grand Forks adopt the following policies concerning individuals with mobility impairments.

To accommodate mobility disabled persons, wheelchairs and similar devices built specifically for mobility disabilities are allowed.

Other Power-Driven Mobility Devices (OPDMD), not specifically designed for disabilities may be used on the trail, provided the device is no more than 36" wide, Internal combustion devices including, but not limited to, all-terrain vehicles (ATV), golf carts or dirt bikes are not allowed except on trails designated for that purpose.

Rationale for Policy:

The paved trail system throughout Greater Grand Forks is designed and constructed primarily for bicycling, walking, inline skating and skateboard related activities. The popularity of the Greenway trail is verified by the heavy volume of local and regional visitors using the trail on a regular basis. The Greenway provides a valuable connection for trails throughout the community, increasing access and connectivity throughout the two communities. It is the goal of this policy to provide persons with mobility disabilities the ability the opportunity to experience what others have found to be an exceptional asset to the two communities.

The staff of the managing agencies of the Greenway Technical Committee developed the OPDMD policy based on the following criteria supplied by the Department of Justice:

- I. The type, size, weight, dimensions, and speed of the device;
 - a. Rationale: With the exception of the trails located within the Greenway, most trails are eight (8) feet wide. This width makes it difficult for users to pass safely on foot or bicycle. Allowing OPDMD greater than 36" wide would compound that problem. Driving off the trail for passing raised concerns for tipping from ridges between the trail and ground.
- II. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
 - a. Rationale: Trail usage has been increasing, especially within the Greenway, and the flow of traffic at peak times has made trail navigation between users difficult. Adding OPDMD over 36" increases the potential for navigation issues.
- III. The 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)
 - a. Not applicable.
- IV. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility
 - a. Rationale: See items i and ii.
- V. 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 Federal land management laws and regulations.

Validation of Mobility Disability:

Persons with a mobility disability may show a valid, State-issued, disability parking 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. Representatives of the Cities of Grand Forks and East Grand Forks law enforcement may not ask about the nature and extent of the individual's disability.

Department of Justice ADA regulations also add that the claim of a mobility disability must be considered valid as long as it is not contradicted by observable fact.

Questions concerning this policy should be directed to 701-738-8746.