



Interim Policy

Implementing [U. S. Department of Justice \(DOJ\) Amendment to the American with Disabilities Act \(ADA\) Regulations Regarding the Use of Wheelchairs and Other Power Driven Mobility Devices 28 CFR part 35](#)
www.ada.gov

Effective March 15, 2011

Motorized Wheelchairs or Mobility Scooters

Wheelchairs and mobility scooters can be used in areas open to pedestrians (Americans with Disabilities Act 35.104 and 36.104). Under federal law, the definition is "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 of both indoor and outdoor locomotion." Special use passes are not required for these devices. Individuals should check on seasonal closings of areas and trails and for conditions of trails and other use areas to make an informed decision about whether you think you can safely use your device. For the most current information about conditions, we recommend calling the park where you plan to visit. Park phone numbers can be found with the individual park listings on our web site, under "Parks and Trails."

OPDMD (Other Power-Driven Mobility Devices)

Effective March 15, 2011, the Park District as well as other public agencies around the country, will allow appropriate OPDMDs in parks and trails to assist persons with mobility disabilities to more fully enjoy park areas, facilities and trails.

What Is an OPDMD?

OPDMD is a new term described in recently passed ADA legislation that broadly defines other powered mobility devices used by individuals with mobility disabilities for the purpose of moving within outdoor recreation areas and trails designated for public use. (American with Disabilities Act §35.104 and §36.104)

What Type of Device Can I Use?

There are a number of factors to consider in defining the type of OPDMD that will be permitted including: safety of the user, safety of other park guests, protection of the natural resources, and ensuring the peace and quiet of the outdoor experience. The kinds of OPDMDs that are suitable may also vary, depending on the type, volume of use, and design of the trail or recreation area. The Park District is currently evaluating our facilities to better define and more easily communicate which OPDMDs will be appropriate for our variety of conditions. In accordance with the DOJ regulations, the Park District will assess the following factors:

1. size, weight, dimensions, 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 can be established to permit the safe operation of the OPDMD at the facility; and

5. the potential for serious harm to environmental, natural and cultural resources.

How can I find out if a specific device is suitable?

In the meantime, while these evaluations are in progress, we invite persons with mobility disabilities to contact us about use of devices that are currently prohibited to other park users (i.e., motorized OPDMDs) but may provide you with better access in a safe manner, considerate of natural resources. (See contact information, below.) We can provide a special pass to identify the specific OPDMD and the places where we mutually determine its use will be suitable. Once the Park District completes its evaluation of trails and areas, we will communicate more detailed information about the use of OPDMDs on our web site and at our facilities. We are also in communication with state agencies and community park and recreation systems to develop a plan that may be consistently applied throughout the state. As we develop our program to improve accessibility, current information will be made available on our website (keyword "ADA").

Park District Devices Available to Persons with Mobility Disabilities

The following devices are available for use within parks at no charge with a photo ID.

- A beach wheelchair is available at the two guarded swim ponds at Lake Minnetonka Regional Park and Elm Creek Park Reserve.
- All Terrain wheelchairs. Adult- and child-sized wheelchairs are available at Lowry, Eastman and Richardson Nature Centers. A child size wheelchair is available at Coon Rapids Dam Visitor Center and Kroening Interpretive Center. Adult (18" seat width) and child (14" seat width).
- Wheelchairs (adult and child sizes) are available at Silverwood Park and The Landing.
- Sit skis are available at the following cross-country ski locations. Elm Creek Chalet, Hyland Visitor Center, Baker Ski Chalet, and French Visitor Center.
- Pulk sleds are available at Richardson, Eastman and Lowry Nature Centers. For winter use on cross-country ski or snowshoe trails.

Contact Information

Passes for Other Power-Driven Mobility Devices are available in person the Administrative Center (3000 Xenium Lane N. - Plymouth, MN 55447) or contact Administrative Center staff at 763.559.9000 or access@threeriversparkdistrict.org. For specific information about trails and trail conditions contact the park you are interested in visiting.