

Use of Motorized Mobility Devices Policy

City of Fort Collins

Adopted March 15, 2011

Revised January 17, 2012 and April 25, 2014

Effective March 15, 2011, the U.S. Department of Justice (DOJ) revised rules regarding the use of "other power-driven mobility devices" by "individuals with mobility disabilities" in public places that are open to pedestrian use such as City trails and facilities.

This policy does not address use of wheelchairs (manually-operated or power-driven) as that term is defined in 28 CFR Part 35, Subpart A, Subsection 35.104.

I. Trail and Facility Assessment

The City of Fort Collins has completed an assessment of all trails and public facilities within its natural areas and parks systems to determine the extent to which it is able to make reasonable modifications in City policies, practices, or procedures to allow the use of "other power-driven mobility devices" in such places. Information about the devices that may be used under this policy is posted on the City Website <http://www.fcgov.com/naturalareas/recreation.php> so that the public can easily access the information before going to a particular park or natural area. The posted information includes the classes of devices that may be used, rules related to that use, and who to contact for more information. Rules may also be posted at a park, at a natural area site or at a trailhead.

II. Natural Areas Analysis

A. Mission of the Natural Areas Department

The mission of the Natural Areas Department is "to protect and enhance lands with existing or potential natural areas values, lands that serve as community separators, agricultural lands, and lands with scenic values. Protection of natural habitats and features is the highest priority, while providing for education and recreation for the Fort Collins community."

B. Impacts of Other Power-Driven Mobility Devices on Natural Areas

While the City of Fort Collins Natural Areas Department desires to accommodate individuals with mobility disabilities, this must be done in a way that does not conflict with the central mission of the Natural Areas Department, its enabling legislation, the natural resources it stewards, or jeopardize the safety of other persons using the natural areas, including those with a mobility disability. One

of the factors the Americans with Disabilities Act (ADA) allows agencies to consider in making its assessment is whether the use of certain classes of other power-driven mobility devices creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Devices that may meet the definition of “other power-driven mobility devices,” including ATVs (all terrain vehicles) and other ORVs (off-road vehicles), are not appropriate types of recreation for City natural areas. The City has never allowed public recreational motorized use of its natural areas, with the exception of motorized wheel chairs. Thus, trails were never designed for ATV or other ORV use by the public.

Use of ATVs and other ORVs poses considerable threat to the sustainability and durability of trails, threaten the natural area environment from noise, increased air pollution, and impacts on other trail users including equestrian users.

The noise of off-road vehicles interferes with the natural, peaceful surroundings sought by natural areas users such as hikers, mountain bikers, and other non-motorized recreationists. ORV noise is also likely to cause significant adverse impacts to wildlife in at least two ways. First, exposure to ORV noise can result in wildlife hearing impairment or even loss, with severe consequences for animals dependent on their sense of hearing for finding prey, avoiding predators, and interacting with other individuals of the same species. Second, wildlife exposed to ORV noise often experience stress and other disturbance effects. Over time, such impacts are likely to lead to altered wildlife movement patterns, behavioral changes, and long-term stress impacts, all with potentially significant adverse results. Considerable literature on disturbance effects across ecosystem types indicates that negative impacts to wildlife from ORV use are widespread.

Trail degradation by ATVs can be very problematic on multi-use trails. Rutted trails create hazardous terrain for other users, create trail maintenance issues, and can accelerate erosion and depositional impacts to adjacent waterways.

III. Impacts of Other Power-Driven Mobility Devices on City Parks, Hard Surface Trails, and Outdoor Recreation Facilities

The City of Fort Collins Parks Department (“Parks Department”) has taken into consideration the use of other power-driven mobility devices as that term is defined in 28 Code of Federal Regulations section 35.104 as well as additional factors such as impacts to other users, the safety of other users, impacts on property and infrastructure and the noise level of such devices.

IV. Motorized Mobility Device Policy

The City has assessed its natural areas, parks, outdoor recreation facilities and associated infrastructure, including trails, and has determined that it will permit

the use of motorized mobility devices, as defined below, on City trails, at City parks and at other outdoor recreation facilities in accordance with the following regulations:

A. Definition: A Motorized Mobility Device ("MMD") is a motorized device used by a person with a mobility disability for purposes of locomotion, which meets the following characteristics:

1. Width must not exceed one-half the width of the trail or 32 inches, whichever is less, to allow passage of pedestrians and others without going off trail; and
2. Designed to have a maximum motor power speed of 20 mph or less and not modified so as to increase that maximum speed; and
3. Operated by an electric powered engine where the maximum noise level is 55 dB or less at a distance of 25 feet from the device; and
4. Weighs no more than 150 pounds.

This definition specifically excludes golf cars, riding lawn mowers, ATVs or other similar ORV, and gas powered vehicles or devices.

B. Limitations for use of MMDs in City Natural Areas, Parks, and Outdoor Recreation Areas

1. Paved trails, crusher fines trails or hard-surface trails (including concrete and boardwalk portions), observation platforms, overlooks, shade shelter, boat docks, and piers were designed and constructed for use by pedestrians and individuals with mobility disabilities who utilize electronically-powered or manually-powered mobility aids. An individual with a mobility disability may use an MMD on any concrete or crusher fines or paved or boardwalk trail, observation platform, overlook, shade or picnic shelter or boat dock or pier provided that the MMD is operated at a speed that does not exceed 15 miles per hour or posted speed limit, whichever is less.

2. Natural-surface hiking or dirt trails are narrow, unimproved trails designed and constructed for use by pedestrians and some are also designed for equestrian use. Such trails almost always contain rocks, some of them large and/or sharp, and may also contain very fine, soft or mucky soils, uneven surfaces, steep grades, roots, or vegetation debris; they may also pass through areas that hold standing water during rain events or during a rainy season. Such trails are not designed specifically for use by individuals with mobility disabilities who utilize MMDs; however, individuals with mobility disabilities may use an MMD on natural surface hiking trails provided that the mobility device is designed for use on soft, uneven, steeply graded or rocky surfaces, and is operated at a speed that does not exceed 15 miles per hour or posted speed limit, whichever is less. **Individuals with mobility disabilities**

should carefully consider whether their mobility device can safely operate given the existing trail conditions.

3. Additional use and safety requirements that apply to MMDs used on City natural areas, parks, or outdoor recreation facilities:

- a. Only persons with a mobility disability are permitted to use MMDs on a trail or facility designated for such use (see Accessible Trail and Facility Assessment Table for City of Fort Collins Natural Areas or Parks); and City personnel may request that a person using an MMD provide credible assurance that the MMD is required because of the person's disability;
- b. Persons accompanying a person with a disability but who do not themselves have a mobility disability are not permitted to use an MMD;
- c. The person operating the MMD cannot carry another person or object that would cause the MMD to tip or become unstable or cause harm to the driver of the MMD or others on the trail;
- d. The MMD operator must not use or operate such a device at a natural area or park if use of the device causes damage to the trail or facilities;
- e. No driver or operator of any MMD shall be under the influence of alcohol or impaired by drugs as defined in State traffic laws;
- f. The MMD must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, City employees, or other persons;
- g. No MMD shall be used or operated on a trail from dusk to dawn, even if equipped with lights, because of the safety hazard posed by operating such a device in low light or in the dark;
- h. The City does not accept responsibility for storage of any MMD;
- i. The City does not accept liability for damage to the MMD, or injury to the operator, whether caused by the operator, another

visitor to a City park, natural area, trail or facility, or any other circumstance;

j. The City does not accept liability for damage caused by the operator of the MMD, or injury to others caused by the operator of such device;

k. The City reserves the right to suspend the use of the MMD at City trails or facilities if doing so is in the best interests of the City's Natural Areas Department, the Parks Department, public safety, or its participants;

l. The City reserves the right to change, modify, or amend this policy at any time, as it would any other policy.

For questions or more information regarding the City of Fort Collins Natural Areas Trail & Facility Assessment for MMD use, please contact Karen Mancini, Senior Environmental Planner at 221-6310 or kmancini@fcgov.com or for questions or more information regarding the Parks Department Trail and Facility Assessment for MMD use, please contact Craig Foreman at 221-6618 or cforeman@fcgov.com.

APPROVED

BY:  DATED: May 20, 2014
MARTIN HEFFERNAN, DIRECTOR OF COMMUNITY SERVICES

