

DALLAS COUNTY, IOWA, CONSERVATION BOARD

DESIGNATION OF TRAILS ON WHICH THE OPERATION OF OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD) ARE NOT ALLOWED OR ALLOWED SUBJECT TO CONDITIONS AND/OR RESTRICTIONS

WHEREAS, effective March 15, 2011, the United States Department of Justice (DOJ) has amended its regulation implementing the Americans with Disabilities Act of 1990; and

WHEREAS, the United States Department of Justice (DOJ) regulations now require a public entity to make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices (OPDMDs) by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated with legitimate safety requirements necessary for safe operation of its trails; and

WHEREAS, a power-driven mobility device is defined as anything with a motor that can be driven, regardless of size or horsepower. This includes golf carts, ATVs, electronic personal assistance mobility devices (EPAMDs), such as the Segway, or any mobility device designed to operate in areas without defined pedestrian routes, and

WHEREAS, in determining whether a particular “other power-driven mobility device” (OPDMD) can be allowed on a specific trail, to meet the requirements of the DOJ rule, a public entity shall consider the following assessment factors:

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The facility’s volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) 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);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (v) Whether the use of the other power-driven mobility device creates 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.

WHEREAS, the Dallas County Conservation Board Director or his authorized representative has completed an assessment of all of the trails under the control and management of the Conservation Board and has determined which trails on which the operation of other power-driven mobility devices (OPDMDs) by individuals with disabilities are not allowed or allowed with conditions and/or restrictions; and

WHEREAS, the purpose of this resolution is to comply with the requirements of the Americans with Disabilities Act of 1990 that require the Board to designate trails on which the operation of other power-driven mobility devices (OPDMDs) by individuals with disabilities are not allowed or allowed with conditions and/or restrictions; and

WHEREAS, the Conservation Board, based on the trail assessments completed by its staff, hereby designates the following trails on which the operation of other power-driven mobility devices (OPDMDs) by individuals with disabilities are not allowed or allowed with conditions and/or restrictions:

- **Raccoon River Valley Trail (Waukee to northwest of Linden at the Guthrie/Dallas county line)**
- **Raccoon River Valley Trail (Waukee to Dawson to the Guthrie/Dallas county line)**
- **Kuehn Conservation Area Trails**
- **Voas Nature Area**
- **High Trestle Trail (Woodward City limits east to the Boone/Dallas county line)**
- **Trindle Park Trail**
- **Forest Park Museum Prairie Trail**
- **Sportsman Park Nature Trail**
- **Hanging Rock Park Trails**
- **Other trails in the Dallas County Conservation Board Park system**

NOW THEREFORE BE IT RESOLVED, that the Dallas County Conservation Board has hereby taken action to designate trails on which the operation of other power-driven mobility devices (OPDMDs) by individuals with disabilities are not allowed or allowed with conditions and/or restrictions.

Dated at Perry, Dallas County, Iowa, this **13th** day of **July, 2011**.

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