OPDMD Assessment Factors

In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (2) of this section, a public entity shall consider:

(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 a substantial risk of serious harm to the immediate environment or natural

OPEN SPACE LAND AND FACILITY ASSESSMENT AND LIMITATIONS

The Town of Breckenridge Open Space and Trails Division conducted a comprehensive review and assessment of lands and facilities to determine permissible or non-permissible OPDMD uses. All power driven mobility devices are limited to specific roads and trails outlined below. Users wishing to utilize a device on a trail or in a park or historic site that is not specifically listed as preauthorized should contact the Town of Breckenridge Open Space and Trails Division in advance to determine if the device can be allowed taking into account the assessment factors listed above.

Recreational Routes

Based upon this assessment, recreational routes within the Town of Breckenridge can be categorized into four different types, with specific limitations and justifications as listed below:

1) Paved Recreational Pathways (Recpath) or crusher fine trails: Multi-use improved surface trails with shoulders.

Persons with a mobility disability may use any EAB or EPAMD that has maximum power driven speed equal or less than 20 mph, is no wider than 36 inches, and has brakes that enable the

operator to make the wheels skid on dry, level and clean pavement. No other OPDMD may be used, including but not limited to any gas or combustible fuel powered devices, ATV's, golf carts, or motorcycles. Wheelchairs and manually-powered mobility aids are allowed.

Justification: § 35.137 Assessment Factors (i, ii, iii and iv). Characteristics of the device could affect other trail users, based on the volume of pedestrian traffic and operational characteristics of the trail. These trails are high capacity two-way traffic areas, where width and speed restrictions must allow for safe passing of OPDMDs, bicycles and pedestrians.

2) Non-motorized Single-Track Trails: Unpaved, narrow gauge trails suitable for multiple activities, including hiking, mountain biking and equestrian riding.

Persons with a mobility disability may use a Class 1 or Class 2 EAB provided the user has registered their EAB with the Town of Breckenridge Open Space and Trails Division. Registration is a prerequisite to using an EAB on non-motorized single-track trails and unregistered users will be in violation of this policy as well as the Town's traffic code, which is punishable by an infraction. In order to be utilized by a person with a mobility disability on non-motorized, single-track trails, a registered EAB must have a maximum power driven speed equal or less than 20 mph, be no wider than 36 inches, and have brakes that enable the operator to make the wheels skid on dry, level and clean pavement. EPAMD with a maximum power driven speed equal or less than 20 mph, width of less than 36 inches, and with brakes that enable the operator to make the wheels skid on dry, level and clean pavement are also allowed. An example of an EPAMD allowed within these parameters is an adaptive mountain bike. No other OPDMD may be used, including but not limited to any gas or combustible fuel powered devices, ATV's, golf cars, or motorcycles. Wheelchairs and manually-powered mobility aids are allowed.

Justification: § 35.137 Assessment Factors (i, ii, iii, iv and v). Characteristics of other motor powered devices *not* allowed create a substantial risk of substantial harm to the trail facility, surrounding environment and/or natural resources. These are narrow trails, some of which have substantial pedestrian traffic, where one or two-way traffic would harm natural resources when allowing passage of OPDMD other than the allowed Class 1 and 2 EABs and EPAMDs. Use of OPDMDs other than those specifically allowed would conflict with Federal land management laws and regulations, land use regulations, and/or conservation easements provisions prohibiting motorized vehicles or equipment on these routes. Class 1 and 2 EABs and EPAMDs are allowed specifically because of their size and similarity to

non-electric bicycles, so long as such EABs and EPAMDs are operated within the guidelines and parameters set forth herein. Because of the proliferation of Class 1 and 2 EABs amongst non-disabled users, the registration requirement is implemented in order to avoid substantial risk of harm to the environment and non-motorized trail experience posed by the use of EABs in these areas by persons without a mobility disability.

3) Shared Use Single-Track Trails: Unpaved, narrow gauge trails, suitable for multiple activities, including motorcycles, hiking, mountain biking and equestrian riding.

Persons with a mobility disability may use any electric or gas propulsion motorcycle or OPDMD that does not exceed 36 inches total width, has 12 inch or less tire tread width (total width of ground contact), and has brakes that enable the operator to make the wheels skid on dry, level and clean pavement. Other OPDMDs or non-qualifying devices are prohibited. Wheelchairs and manually-powered mobility aids are allowed.

Justification: § 35.137 Assessment Factors (i, iii, iv and v) Characteristics of the not allowed devices create a substantial risk of substantial harm to the environment or natural resources. These are narrow trails where one or two-way traffic would harm natural resources when allowing passage of an OPDMD larger than 36 inches wide.

4) Multi-use Forest or County Roads: Unpaved and unimproved logging, fire and ranch roads, typically greater than 8 feet in width.

Persons with a mobility disability may use any OPDMD that has brakes that enable the operator to make the wheels skid on dry, level and clean pavement.

Justification: § 35.137 Assessment Factors (i, iii, and iv) These roads are typically wide enough for two-way vehicle traffic, allowing for safe passing of OPDMD devices, motor vehicles, bicycles and pedestrians.