TOWN OF BRECKENRIDGE POLICY FOR USE OF "OTHER POWER DRIVEN MOBILITY DEVICES" ON OPEN SPACE & TRAIL PROPERTIES AND PROPERTY INTERESTS

Effective Date: April 28, 2026

I. INTRODUCTION

The Town of Breckenridge is committed to providing amenities for individuals with mobility disabilities, while promoting the safe use and enjoyment of the Town's recreational trail routes by a broad spectrum of the public. Based on the criteria set forth in Section 35 of the Americans with Disabilities Act, Town staff completed an individual assessment of the categories of recreational trail routes managed by the Open Space and Trails Division and determined which types of OPDMDs are preauthorized for use on each route by people with mobility disabilities. Please note that this is not an exhaustive list or categorization. This policy is also not a guarantee that any given preauthorized OPDMD is appropriate for or capable of being operated by all people in all trail conditions. All OPDMD users must abide by the rules set forth at the end of this policy in order to use preauthorized devices.

Information provided herein describes the types of OPDMDs that are preauthorized for use on The Town of Breckenridge trail facilities for people with mobility disabilities. If your device is not listed or if you are unsure about whether your device is preauthorized under this policy, please contact the Open Space and Trails Department at OST@townofbreckenridge.com.

As technology advances and new devices are developed, public use patterns change, additional property and property interests are acquired, and impacts to natural and cultural resources are reevaluated, the Town of Breckenridge may modify the types of OPDMD permissible on specific trails as necessary. It is the user's responsibility to ensure that they are in conformance with this policy, as it may be amended from time to time. Use of a preauthorized OPDMD pursuant to this policy constitutes acceptance of all risks inherent in such use and the Town of Breckenridge accepts no liability for the use of OPDMD on the Town of Breckenridge recreational trail routes and facilities.

II. DEFINITIONS

Wheelchair
A wheelchair 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 (§ 35.137). This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

Electrical Assisted Bicycles (EAB)
An EAB device is a vehicle with two wheels, operable pedals, and an electric motor not exceeding 750 watts of power. EABs in Colorado are required to conform to certain classes:

1. Class 1 EAB means an EAB equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.
2. Class 2 EAB means an EAB equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

3. Class 3 EAB means an EAB equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

EAB does not include a vehicle that is modified so that it no longer meets the requirement for any class of EAB or a vehicle that is designed, manufactured, or intended by the manufacturer or seller to be easily configured so as to not meet the requirements of an EAB, whether by a mechanical switch or button, by changing a setting in software controlling the drive system, by use of an online application, or through other means intended by the manufacturer or seller. (CRS 42-1-102 (28.5)).

Electric Personal Assistive Mobility Devices (EPAMD)
An EPAMD device is a self-balancing vehicle, that is powered solely by an electric motor not exceeding 750 watts, designed to transport one person (CRS 42-1-102 (28.7)). An adaptive bicycle is considered to be an EPAMD under this policy.

Motorcycle
A motorcycle is a motor vehicle that uses handlebars to steer and that is designed to travel on not more than two wheels in contact with the ground (CRS 42-1-102 (55)).

Mobility Disability
A mobility disability is a disability involving impairment of an individual's ability to move and maintain body positions, handle or move objects, move around in the environment, and/or move around using transportation. (**Disability and Health Overview | Disability and Health | CDC** January 1, 2025)

Other Power Driven Mobility Devices (OPDMD)
An OPDMD device is any mobility device powered by batteries, fuel, or other engines--whether or not designed primarily for use by individuals with mobility disabilities--that is used by individuals with mobility disabilities for the purpose of locomotion. This includes, but is not limited to, electric assisted bikes (EABs), motorcycles, golf carts, electronic personal assistance mobility devices (EPAMDs), or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

III. ADA RULES (§ 35.137 Mobility Devices)

(1). Use of wheelchairs and manually-powered mobility aids. A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(2). Use of other power-driven mobility devices. A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).

(3). 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 or cultural resources, or poses a conflict with Federal land management laws and regulations.

(4). Inquiry about disability. A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.

(5) Inquiry into use of other power-driven mobility device. A public entity may ask a person using an other power-driven mobility device preauthorized under this policy to provide a credible assurance that the mobility device is required because of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability, as a credible assurance that the use of the other power-driven mobility device is for the individual’s mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power- driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards. Proof of a disability under this section does not eliminate the user’s obligation to comply with any of the rules or requirements set forth in this policy.

IV. 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.

V. REGISTRATION

1. In order for a user with a mobility disability to utilize an EAB on non-motorized single track trails, such user's EAB must first be registered with the Town of Breckenridge Open Space and Trails Division.
2. Registration shall be free of charge.
3. Open Space and Trails will provide a website portal and, if needed, a hard copy application to enable registration.
4. Upon successful registration, users will receive a downloadable decal, receipt, or other viewable document in order to show compliance with this section.
5. Failure to abide by the registration requirement is a violation of this policy and may result in the revocation of your preauthorization to use OPDMD on Town of Breckenridge trails and facilities.

VI. RULES OF THE TRAIL

The following provisions apply to the use of OPDMDs on Town of Breckenridge trails and facilities and are an integral part of the Town's decision to preauthorize the accommodations contained herein. Failure to abide by these rules may result in the revocation of your preauthorization to use OPDMD on Town of Breckenridge trails and facilities:

1. All Town of Breckenridge trails and facilities have a speed limit of 20 mph.

2. All OPDMDs must stay on designated trails and routes at all times.

3. Except pursuant to a specific authorization received in advance from Open Space and Trails utilizing the assessment factors listed above, OPDMDs are not permitted in or on historical structures, or sensitive natural, historic or cultural areas.

4. Users are responsible for ensuring they can operate their OPDMD safely and in control. Users should evaluate their familiarity with and ability to safely operate their OPDMD in variable conditions when choosing where to travel. Users should take all reasonable due care in their

operation of an OPDMD on Town trails and facilities.

5. OPDMDs must be utilized in accordance with the categories and standards set forth above. Deviations from this policy are allowed only with advance authorization from the Open Space department. If you are unsure about whether your OPDMD meets the specifications of the policy, please request confirmation from the Open Space department.

6. The Town of Breckenridge does not represent that facilities are safe for use by any OPDMD and assumes no liability for these uses. Certain risks are inherent in the use of Town of Breckenridge trails and facilities and all users must exercise reasonable care.

7. Users are responsible for their own actions and interactions with other trail users and must obey the guidelines regarding responsible trail etiquette found here: **Breckenridge | Trail Etiquette.**

- ***IMPORTANT NOTE***

"Know before you go": It is the user's responsibility to remain in compliance with current Federal, State, and Local rules, regulations and policies. If you have any questions, please contact the Town of Breckenridge Open Space & Trails in advance to ensure that your particular OPDMD is approved for use on particular routes.

In adopting these administrative rules and regulations, the Town of Breckenridge does not intend to waive any protections afforded to it by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 *et seq.*