

ADA Part 35 (Title II) Nondiscrimination on the basis of disability in State and Local government services.

Policy and Procedures concerning the use of -Other power-driven mobility device OPDMD

Definitions as per 35.104 Title II –Nondiscrimination on the basis of Disability in State and Local Government services.

General prohibitions against discrimination- 35.130

Hillsborough County Parks, Recreation and Conservation Department and the use of OPDMD will be based on legitimate safety requirements necessary for the safety of the public and operations of its services, programs, and activities. These requirements will be based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

HC County Ordinance

- Section 8 (d)(1),
- Section 8 (f)(2)

Mobility devices. 35.137

-Use of wheelchairs and manually-powered mobility aids.

*HC County Ordinance Section 8 (d)(1), Section 8 (f)(2)

(b)(1) Use of other power-driven mobility devices.

Hillsborough County has made reasonable modifications to its policies, practices, and procedures to permit the use of other mobility devices by individuals with mobility disabilities.

These modifications are based on legitimate safety factors using the assessment factors and adopted pursuant to 35.1309(h)

Types of facilities will be assessed using the Greenway Map and types of trails in Hillsborough County.

Trails are designated into 4 types of trails. Each type of trail will be assessed by the 5 assessment factors.

Safety requirements /assessment factors:

- type, size, weight, dimensions, speed.
- volume
- design and operational characteristics
- safety requirements
- risk to environment or natural or cultural resources.

Hiking Only Trails-

Hiking only trails are pedestrian only so OPDMD will not be allowed as per the definitions.

\$35.104

Paved trails.-Hillsborough County has several paved/multiuse paths that vary in width and design. All assessments based on Hillsborough County Trail Design Guidelines and FDOT Trail Design Guidelines.

Design guidelines based on width and speed of devices. No OPDMD will be allowed on trails with a

*speed greater than 20 mph- trail is not designed for speeds greater than 20 mph on trails that are 15' or wider

*The OPDMD cannot be wider than 3' trails are not designed for vehicles greater than 3'. All trails/parks have a noise ordinance, no OPDMD will be allowed under this ordinance. All paved/multi use paths are high use urban trails and OPDMD will not be allowed if the device is dangerous to the user and trail users.

Single Track Mountain Bike/Hiking Trails. Trails designed under IMBA Trail Design

-trail surface- soft, sandy type soil.

-trail width-no width great than 2'

-trail speed- no speed greater than 15 mph.

*Trails located on environmentally sensitive lands will not be allowed to have any OPDMD due to the necessity of protecting threatened and endangered species of all types. If further details are needed, contact the Regional Parks/Conservation Services section.

*only OPDMD that will not cause damage to the trail surface.

*no OPDMD with a width greater than 2'; the width of these trails are not wide enough for any vehicle wider than 2'.

*each location varies in environmental concerns and is subject to the land managers' authority.

Equestrian Trails: IMBA rules of the trail. All Users Yield to Horses.

-Trail surface soft, mostly sandy.

-Trail width varies, but is narrow.

*No OPDMD allowed due to the safety of the rider and horses.

Inquiry into use of OPDMD. 35.137(c)(1)(2)

Hillsborough County Parks, Recreation and Conservation Department will **require** any persons using an OPDMD to provide credible assurance that the mobility device is required because the person's disability.

This proof will be provided in a presentation of a valid, State-issue, disability parking placard or card, or other State-issued proof of disability, as a credible assurance that the OPDMD is for the individual's 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. HCPRCD 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.