

# NOTICE

No. 15-01C

Issue date:

May 6, 2015

## ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES (FOR POSTING)

*This Notice, titled Electronic Personal Assistive Mobility Devices, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.*

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is dedicated to providing quality services and parks and recreation programs that are inclusive and accessible to all patrons. In keeping with that dedication, the M-NCPPC has issued this notice to provide information on the use of Electronic Personal Assistive Mobility Devices (EPAMD)<sup>1</sup> as permitted under the Americans with Disabilities Act. The goal of this policy is to maintain a safe environment for all patrons while allowing for use of mobility assistive devices by individuals with disabilities that do not fundamentally alter the nature of the programs and services provided by the agency.

An EPAMD, as defined in § 21-101 of the Transportation Article of the Maryland State Code, means a pedestrian device that: (i) has two non-tandem wheels; (ii) is self-balancing; (iii) is powered by an electric propulsion system; (iv) has a maximum speed capability of fifteen (15) miles per hour; and (v) is designed to transport one person. Segway® PT and similar devices are examples of EPAMDs.

**This policy does not authorize the use of golf cars, ATVs, off-road vehicles, motorized bicycles, motor scooters or any other motorized vehicles, whether electric or fuel powered, that do not fall within the definition of EPAMD above.<sup>2</sup>**

The agency authorizes individuals with mobility disabilities to use EPAMDs in all M-NCPPC sites and facilities<sup>3</sup> that are **open to the public**, including structures, buildings, park roads, sidewalks and trails, subject to the following restrictions:

1. The operator of the device must be an individual with a mobility disability. M-NCPPC staff may request verification of such status in the form of a valid State-issued disability parking placard or other State-issued proof of disability that is issued in the name of the operator.
2. The EPAMD shall at all times when in use:
  - A. be under the control of the operator;
  - B. yield to pedestrians; and
  - C. follow any applicable State of Maryland and local laws regarding use of the device.

<sup>1</sup> Electronic Personal Assistive Mobility Devices (EPAMD)<sup>1</sup> is a subset of Other Power Driven Mobility Devices under the Americans with Disabilities Act.

<sup>2</sup> For public safety and environmental reasons, the M-NCPPC prohibits the use of these devices by any person other than at sites where these vehicles are already permitted for use by the general public.

<sup>3</sup> Not all agency sites and facilities are accessible. Additionally, use of EPAMDs may be prohibited where their use may be, at the M-NCPPC's discretion, unsafe or cause damage. Contact the location you plan to visit for specific details regarding accessibility.

3. The EPAMD shall not, at any time, be operated:
  - A. in a dangerous or reckless manner that jeopardizes the safety of the operator, any other person or property, or in a manner inconsistent with the manufacturer's safety recommendations;
  - B. at a speed greater than the pace of pedestrian traffic;
  - C. on any agency road or street unless there is no adjacent sidewalk; in all cases, an EPAMD may not be operated on any road or street where the speed limit is greater than 30 mph;
  - D. between dusk and dawn unless the device has an installed headlight that lights up the area in front of the driver and is visible from a distance of 300 feet in front of the device; or
  - E. while carrying another person on the frame, or any object on the frame that may make the EPAMD less stable.
4. The device, whether stationary or in motion, shall not block or restrict access to entrances, exits, passageways, stairways or other pedestrian routes. The agency reserves the right to move devices when violating this restriction or at any time when the device creates a safety risk or hazard.
5. M-NCPPC accepts no responsibility for storage or charging of the device.
6. The agency accepts no liability for theft, damage to the device, or for injury to the operator, whether caused by the operator, or any other third person.
7. M-NCPPC accepts no liability for damage caused by the device or operator of the device, or injury to others caused by the device or operator of the device.
8. M-NCPPC reserves the right to prohibit the use of the device by the operator if: (i) the operator fails to observe the restrictions set forth in this policy, or (ii) doing so is in the best interests of the agency and its patrons. However, nothing in this policy precludes the operator from the enjoyment of the facilities without the device.
9. M-NCPPC reserves the right to modify this policy at any time.

Patrons with questions about this policy or locations where EPAMDs may be safely used should contact the departmental ADA Coordinator or office listed below, based on the location where the EPAMD is sought to be used:

***Prince George's County Parks and Recreation Department***

Therapeutic Recreation Manager

7833 Walker Drive, Suite 110

Phone 301-446-3412, TTY 301-446-3402

***Prince George's County Planning Department***

Office of the Director, Prince George's County Planning

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722

Phone 301-952-3595, FAX 301-952-5804, TTY 301-952-3796

***Montgomery County Parks Department***

Senior ADA Compliance Project Manager

Parkside Headquarters, 9500 Brunett Avenue, Silver Spring, MD 20901

Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

**Montgomery County Planning Department**

Office of the Director, Montgomery County Planning

8787 Georgia Avenue, Silver Spring, MD 20910

Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1

**Executive Office Building/Bi-County Operations**

Office of the Executive Director

6611 Kenilworth Avenue, 4th Floor

Riverdale, MD 20737

Phone 301-454-1740, Fax 301-454-1750, TTY 301-454-1410

