

WHEELCHAIRS AND OTHER POWER-DRIVEN MOBILITY DEVICES

Introduction

Until recently, most people with mobility impairments used wheelchairs as their personal mobility devices. Now, many use scooters or “other power-driven mobility devices” (OPDMDs), such as the Segway® PT.

Because these and other new mobility devices are becoming common, and in conjunction with the 20th anniversary of the Americans with Disabilities Act (ADA), the U.S. Department of Justice has implemented new regulations that clearly define mobility devices. These new regulations draw distinctions between wheelchairs and OPDMDs and their use, and will impact businesses and facilities that serve the general public, as well as people with disabilities who use mobility devices. The new regulations apply to both state and local government (Title II) and the private sector (Title III), but not to Federal wilderness areas.

This fact sheet is intended to help businesses and people with disabilities understand what exactly constitutes a mobility device, where such a device is allowed, and who is responsible for proving that the device can be operated safely in a particular environment.

These revisions take effect on March 15, 2011.

Definition of “wheelchair”: A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor and/or outdoor locomotion.

- *Includes mobility scooters*
- *No size or weight maximum*

People with disabilities who use wheelchairs (as defined) and other manually-powered mobility aids (walkers, crutches, canes, etc.) must be allowed in all areas open to pedestrians.

Definition of “other power-driven mobility device” (OPDMD): Any mobility device powered by batteries, fuel, or other engines, that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it has been designed primarily for use by individuals with mobility disabilities.

Includes golf carts, electronic personal assistance mobility devices (e.g. Segway® PT), and any mobility devices that are not wheelchairs, but are designed to operate in areas without defined pedestrian routes.

Other power-driven mobility devices must be permitted to be used unless a facility/organization can demonstrate that such use would fundamentally alter programs, services, or activities, create a direct threat, or create a safety hazard.

How can I determine whether an OPDMD can be operated safely in my facility?

You can apply legitimate safety requirements based on actual risks, not on speculation, stereotypes, or generalizations about individuals with disabilities and mobility devices. For example, you can apply and enforce speed limits, and/or disallow indoor use of fuel-driven engines that produce fumes.

If you believe that an OPDMD creates a safety risk, it is your responsibility to demonstrate that the class of OPDMD cannot be operated in accordance with legitimate safety standards.

How can I assess the safety of a class of OPDMDs?

A safety assessment is made regarding the class of devices, rather than an individual's use of the device. The new regulations list specific factors, noted below, that you must consider in making this determination.

Other Power-Driven Mobility Device (OPDMD) Assessment Factors:

Factor 1 The type, size, weight, dimensions, and speed of the device

Factor 2 The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year)

Factor 3 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)

Factor 4 Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility

Factor 5 Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or to natural or cultural resources, or poses a conflict with Federal land management laws and regulations

A person who does not have an obvious disability wants to use an OPDMD in my facility. What questions may I ask?

You may not ask questions about the nature and/or extent of the individual's disability (the same rule applies to others with disabilities). You *may* ask a person using an OPDMD for a "credible assurance" that the device is required because of a mobility disability. A valid, disability parking placard or card, or other State-issued proof of disability is a credible assurance. The individual's word that he/she uses the OPDMD due to a mobility disability is also a credible assurance, as long as it's not contradicted by observable fact.

For example, you may ask, "Why do you require this device?" If the person replies that he/she has a mobility disability, you may ask, "Can I see a disability placard or other official form of ID that confirms your disability?" But, if the person can't show you a placard or ID, and says that he/she does have a disability, you must take the individual's word, unless you see him or her performing an activity (e.g. jumping on a trampoline) that demonstrates that the individual does not have a mobility disability.

Example Policies and Procedures

The following are examples of policies that could be adopted regarding Segways used as OPDMDs, along with the assessment factors used in creating the policies:

A community college might adopt the following policies regarding Segways used as OPDMDs. People with disabilities using Segways as OPDMDs must:

- Keep to the left wherever possible. (Assessment Factors 2 & 4)
- Do not exceed a fast walking pace outdoors, and a slow walking pace inside buildings. (Assessment Factors 2 & 4)
- Avoid passing close to doors – use center or far side of any corridor. (Assessment Factors 3 & 4)
- All of the above rules also use Assessment Factor 1, as they specifically relate to Segways.

An historic site might adopt different rules. For example:

- Segways are only allowed outdoors on paved paths, due to the fragile nature of the environment, and must keep pace with pedestrians. (Assessment Factors 2, 4 & 5)
- Segway users must not exceed a slow walking pace inside buildings. (Assessment Factors 2 & 4)
- Segways are not allowed in the Diego Room, as the historic adobe doors are only 28” wide. If a Segway user chooses to enter the room on foot, the Segway must be parked in the nearby Fleming lobby. (Assessment Factors 1, 3 & 5)
- Again, all of the above rules also use Assessment Factor 1, as they specifically relate to Segways.

About Our Organization

Northwest ADA Center provides technical assistance, information, and training regarding the Americans with Disabilities Act (ADA). Information is provided from the regional office in Washington State and affiliates in Alaska, Idaho, and Oregon. Specialists are available to answer specific questions pertaining to all titles of the ADA and accessibility of the built environment. The training staff offers presentations to businesses, organizations, schools, people with disabilities, and the general public.

Northwest ADA Center

800-949-4232 ♦ www.nwadacenter.org



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Alternate formats available upon request