

City of Kingsport
Other Power-Driven Mobility Devices (OPDMD)
Guidance to Employees

Purpose

The purpose of this document is to comply with the Americans with Disabilities Act of 1990 as amended and provide city employees with guidance on the use of Other Power-Driven Mobility Devices in our facilities or when needed to participate in city programs, services, or activities.

Definitions ([U.S. DOJ Requirements on Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices](#))

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 or of both indoor and outdoor locomotion.”

Other power-driven mobility device – “any mobility device powered by batteries, fuel, or other engines ... that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices...such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.”

People with disabilities may use manual or power wheelchairs or scooters, and manually-powered mobility aids such as walkers, crutches, and canes, if needed to participate in city programs, services and activities.

People with disabilities may use OPDMDs unless a particular type of device cannot be accommodated because of legitimate safety requirements. When the city does not allow a particular type of device, we will provide the service using alternative methods if possible, *e.g.*, provide services in an alternate location.

City of Kingsport employees will not ask people using OPDMDs about their disability.

Credible Assurance

Employees are allowed to ask the person using an OPDMD device to provide credible assurance that the device is being used because of a mobility disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, employees will accept this as a credible assurance. If the person does not have this documentation, but states verbally that the OPDMD is being used because of a mobility disability, employees will also accept this as credible assurance unless the person is observed doing something that contradicts this assurance. The fact that a person with a

disability is able to walk for a short distance does not necessarily contradict a verbal assurance.

In order to determine if a particular type of OPDMD can be used in our facilities or is needed to participate in city programs, services or activities the following five factors will be considered.

1. The type, size, weight, dimensions, and speed of the device;
2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
3. The facility's design and operational characteristics (*e.g.*, whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);
4. Whether legitimate safety requirements (such as limiting speed to the pace of pedestrian traffic or prohibiting use on escalators) can be established to permit the safe operation of the OPDMD in the specific facility; and
5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Employees will consider these assessment factors as related to an entire class of device type, not to how a person with a disability might operate the device.

All types of devices powered by fuel or combustion engines will be excluded from city indoor facilities for health and environmental reasons, but may be deemed acceptable in some outdoor city activities. Also, for safety reasons, larger electric devices such as golf cars will be excluded from indoor areas.

The city will allow smaller devices such as Segways in most circumstances. Each decision on use of OPDMD will be made on a case-by-case basis.

If the city allows use of an OPDMD it will require users to operate them at a safe speed and let them know if there are any areas where the devices cannot be used. If a device cannot be used the city will provide storage for the device if available.