



Roaring Fork Transportation Authority Rio Grande Corridor Rules on the Use of Other Power Driven Mobility Devices

A. INTRODUCTION

1. The following restrictions (the “Rules”) apply to all property and trails built or maintained in the corridor of the rail line previously known as the Aspen Branch of the Rio Grande and Western railroad between Glenwood Springs and Woody Creek, in which the Roaring Fork Transportation Authority (“RFTA”) has a property right including fee simple ownership and railroad easement, and to all trail easements and rights of way under the jurisdiction of RFTA, collectively known for the purposes of this document as the “Rio Grande Corridor.”

2. Other Power Driven Mobility Device (“OPDMD”) defined. For the purpose of this document, OPDMD means 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, including golf carts, electronic personal assistive mobility devices (“EPAMD”) such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of Section 35.150 of the Americans with Disabilities Act of 1990, 42 U.S.C. 126 and its Regulations, 28 C.F.R. Part 35.

3. RFTA is required to make reasonable modifications in its policies, practices, or procedures to permit the use of OPDMDs by individuals with mobility disabilities, unless RFTA can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to Section 35.130 (h). [Section 35.137(b)(1) of 28 C.F.R., Part 35]. RFTA is not required to make modifications that would fundamentally alter the nature of its service, program or activity [Section 35.130 (b)(7) of 28 C.F.R., Part 35]; and the regulations do not require RFTA to permit an individual to participate in or benefit from the services, programs or



activities of RFTA when that individual poses a direct threat to the health or safety of others. [Section 35.139 (a) of 28 C.F.R., Part 35].

4. Section 35.137 (b)(2), provides that the following assessment factors shall also be considered in determining whether a particular OPDMD shall be allowed in a specific facility as a reasonable accommodation:

- (a) The type, size, weight, dimensions, and speed of the device;
- (b) The volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (c) 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);
- (d) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (e) 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

B. APPLICATION OF THE RULES TO RFTA PROPERTIES

1. RFTA manages 450 acres of land and approximately 20 miles of trail in the rail corridor. The management goals of the Rio Grande Corridor are surmised in the Recreational Trails Plan, as adopted by the 2005 Comprehensive Plan, which states: "The main components of the plan involve recreation, preservation, interpretation and environmental education. Recreation objectives include the alignment and design of multiple-use, non-motorized trails and ancillary facilities for both hard- and soft-surface activities including biking, hiking, equestrian and other trail uses. The – and regulations. RFTA Comprehensive Trails Plan recreation component also includes access to the river and public lands. The preservation element seeks to maintain the natural resource to the fullest extent possible for wildlife, residents, visitors, and for the overall health and value of the



- natural system. Except to the extent necessary to allow for appropriate recreational use until such time as other transportation facilities are developed in the Rio Grande Corridor, the corridor shall remain in a natural condition to foster the mission of RFTA and the Rio Grande Corridor program. The unregulated use of OPDMDs in the Rio Grande Corridor would create a substantial risk of serious harm to the environment and natural resources of RFTA and would fundamentally conflict with the mission of the RFTA Rio Grande Corridor program.
2. A fundamental component of Rio Grande Corridor trail programming and design elements, stated in the Recreational Trail Plan, is that of safety, specifically to “develop safe and secure trails for trail users and adjacent property owners”. The Rio Grande Trail has been designed to optimize user safety and outdoor experience and minimize natural resource damage. Guidelines provided by the American Association of State and Transportation Officials have been utilized in implementing a safe user environment, however inherent risk exists including conflict due to high traffic, user speed differentials, steep trail slopes and limited sight distances. The unregulated use of OPDMDs would substantially increase these safety risks to all users and fundamentally alter the nature of the Rio Grande Corridor program provided by RFTA.
 3. To fulfill RFTA’s Rio Grande Corridor program and to ensure the safety of the Corridor Users, the RFTA Corridor and Trails Rules and Regulations (the “Regulations”) do not permit motorized device use in the Rio Grande Trail Corridor. Part 1.1 of the Regulations provides that “No motorized vehicles whatsoever, including automobiles, trucks, farm or agricultural vehicles, motorcycles, motorbikes, motor scooters, go-carts, golf carts, snowmobiles, motorized bicycles, motorized skateboards, mopeds or all-terrain vehicles will be allowed on any RFTA trail or trail corridor at any time.” Part 1.1 was adopted to provide a non-motorized outdoor experience for corridor users engaging in active and passive activities, provide for a safe environment in which to engage in such activities, and to protect natural habitats and wildlife. As such, its adoption is consistent with the regulation factors set forth in Section A, paragraph .4 above.



The purpose of these Rules is to provide a reasonable modification to Section 1.1 of the Regulations by setting forth the safety requirements and criteria for the use of OPDMDs in the RFTA Rio Grande Corridor by persons with mobility disabilities. These Rules are approved by the RFTA Board of Directors pursuant to RFTA's Governing Policy which state that RFTA's purpose is that residents and visitors utilize an environmentally friendly, safe, efficient, convenient and economical public transit and trails system.

C. SAFETY REQUIREMENTS & CRITERIA FOR USE OF OPDMDs IN THE RIO GRANDE CORRIDOR

1. An OPDMD is categorized as "other wheeled traffic" in section 1.3 of the RFTA Regulations; OPDMD users must comply with the Right of Way Yielding Order set forth in section 1.3.
2. An OPDMD must remain on trails except to the extent necessary to comply with the yielding order set forth in section 1.3. An OPDMD must be capable of being turned around on the trail platform in a safe manner so as not to endanger the OPDMD operator or other trail users, or to cause damage to the trail platform in any fashion.
3. An OPDMD may only be operated on trails with slopes of 12% or less.
4. An OPDMD may be up to 32 inches (32") width.
5. An OPDMD may weigh up to 150 pounds not including the weight of the user.
6. An OPDMD operating solely under its own motive force when carrying an operator on level terrain must not be capable of speeds in excess of 20 mph.
7. An OPDMD must be operated at a safe speed. Where other users are present, a safe speed for an OPDMD is deemed to be the average speed at which the other trail users are traveling; under no condition shall an OPDMD be operated in excess of 20 mph.
8. An OPDMD must be electric powered.
9. An OPDMD shall not be operated on any trail surface that has been groomed for cross country skiing or is marked as having been dedicated to such use. This rule shall be in effect from November 15th until March 15th on a recurring annual basis.



10. All OPDMDs operated between one half hour after sunset and one half hour before sunrise shall operate a forward facing white light, a rear facing red light(s) or reflector(s), and amber side light(s) or reflectors. All OPDMDs shall have a horn or bell or similar means for hailing a trail user being overtaken and passed. Operators of OPDMDs are required to use and maintain this required equipment in good order.
11. An OPDMD user shall be required to maintain all other original safety equipment provided by the manufacturer in good working order when operating in the RFTA Rio Grande Corridor.
12. OPDMDs are not permitted in RFTA Rio Grande Corridor indoor facilities with the exceptions of picnic shelters and restrooms.
13. RFTA recommends that an OPDMD not be operated in the Corridor at times of heavy trail traffic. An OPDMD user may be informed by RFTA that specific areas are not available for OPDMD use due to heavy traffic. RFTA recommends that an OPDMD user consult the Rio Grande Trail website at www.riograndetrail.com to confirm that an OPDMD is permitted in a particular area of the Rio Grande Trail Corridor.
14. By adopting these Rules, RFTA is not representing the Rio Grande Corridor is safe for use by an OPDMD and it is not assuming any liability. Certain risks are inherent in the use of the RFTA Rio Grande Corridor and all users must exercise reasonable care and prudence.

D. INQUIRY INTO DISABILITY

1. A RFTA employee or designated authority inquiring as to a mobility disability or use of an OPDMD in the RFTA Rio Grande Corridor shall comply with the following:
 - a. The RFTA employee or designated authority shall not ask a person using an OPDMD questions about the nature and extent of the person's disability.
 - b. The RFTA employee or designated authority may ask a person using an OPDMD to provide credible assurance that the OPDMD is required because of the person's disability. The RFTA employee or designated authority



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 OPDMD is for the person's mobility disability. In lieu of a valid, state-issued disability parking placard or card, or state-issued proof of disability, the RFTA employee or designated authority shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the person to whom it was issued and is otherwise in compliance with the state of issuance's requirements for disability placards or cards.

E. USE OF RULES

1. These Rules and other supporting documents are available to the public on the RFTA Rio Grande Trail website, www.riograndetrail.com . A person may also request a copy by mail by contacting the Trail Corridor Manager (RFTA-RGT Corridor Manager, 766 Industry Way, Carbondale CO 81623), or by calling (970) 384-4975.
2. RFTA may supplement or amend these Rules. Notice of proposed changes to these rules will be posted on the Rio Grande Trail website prior to their adoption.