

ADA ADMINISTRATIVE GUIDELINES

#2016-03

FROM: Torey Alston 
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SUBJECT: Wheelchairs, Mobility Aids and other Power-Driven Mobility Devices

PURPOSE: To provide guidance on wheelchairs, mobility aids and other power-driven mobility devices in the City of Gainesville facilities.

The City of Gainesville will generally permit mobility devices utilized by disabled individuals in City facilities into all areas of the facility where the public is normally allowed.

Use of wheelchairs and manually-powered mobility aids - The City of Gainesville shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. For reference, the Department of Justice defines a "wheelchair" as 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.

Use of other power-driven mobility devices (OPDMD) - The City of Gainesville shall permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the City can demonstrate a legitimate safety concern. OPDMD is defined as "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".

Assessment Factors - The City shall consider several factors when determining whether a particular device can be allowed in a specific facility as a reasonable modification. These include:

- the type, size, weight, dimensions, and speed of the device;
- the facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- 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);
- 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
- whether the use of the OPDMD 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 and regulations.

Credible Assurance - The City may ask a person using an OPDMD to provide credible assurance that the device is used because of a disability. If the person presents a valid, State-issued disability parking

placard or card or a State-issued proof of disability, that must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the OPDMD is being used because of mobility disability, that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance.

If you have any questions or concerns regarding this administrative guideline, please contact Torey Alston, Equal Opportunity Director/ADA Coordinator at (352) 334-5051 or via email at alstontl@cityofgainesville.org.