

Redbank Valley Trails Association
Other Power-Driven Mobility Device Policy
Updated as of September 6, 2021

In accordance with the US Department of Justice (DOJ), Americans with Disabilities Act (ADA), revised regulations for Titles II and III, the 2010 ADA Standards for Accessible Design of 15 November 2010, Redbank Valley Trails Association adopts the following policies concerning individuals with mobility impairments for the Trails under the ownership or control of the organization.

The Modified Accommodations Guidelines are:

- 1. Wheelchairs and similar devices built specifically for mobility disabilities are allowed.**
- 2. Other Power-Driven Mobility Devices (OPDMD), not specifically designed for mobility disabilities, may be used by individuals with a mobility disability, provided:**
 - a. Motors on electric devices are 750 watts or less**
 - b. Devices weigh less than 100 pounds**
 - c. Devices are no more than 36" wide**
 - d. Devices have fully operating pedals**
- 3. No internal combustion devices.**

The DOJ requires that the group which owns the trail(s) "make reasonable modifications in its policies", to permit the use of OPDMD by individuals with mobility disabilities. However, if a group can demonstrate that certain OPDMD cannot be operated safely on their trails, those devices can be prohibited.

Assessment Factors

In determining whether a particular OPDMD can be allowed in a specific facility as a reasonable modification, a public entity shall consider—

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) 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);
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility; and
- (v) 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."

Rationale for the Above Policies

Preface:

The trails are designed and constructed for bicycling and walking. Redbank Valley Trails has operated since its inception in 2010 as such a facility. The popularity of the trail is verified by the volume of local, regional, national and international visitors. Trail users have come to expect a safe, relaxed, quiet environment without the concerns related to automobile or motorized spaces.

Trail users range in age from infants to young children, adults and seniors. Walkers use the trail singly and in company with others. Families walk or bicycle together, parents enjoy the out-of-doors pushing baby strollers or pulling wagons or trailers, and children and seniors are regularly found in friendly groups. The trail has become a part of the fabric of the local communities.

The culture of the trail environment has been established to be a low-key, relaxed travel, comfortable environment.

We believe that allowing persons with mobility disabilities will add to that culture and allow many who would not now be able to enjoy the pleasures of the facility a chance to experience what others have found to be an exceptional asset in western Pennsylvania. We also believe that limiting the sound, potential emissions, size, weight, power and speed of trail use devices is necessary to maintain this established and expected culture. In order to permit many different users to share the same limited, narrow, curved and linear space, the rules can be adjusted, but must be structured to allow users to pass each other safely and interact together in that limited space.

We believe that the adjusted regulations above and the justifications for those regulations meet the intent of the ADA regulations by allowing other mobility devices, and at the same time maintaining the existing trail culture and the safety of all visitors.

1. Internal combustion powered devices, gasoline, diesel or propane, are inherently loud and emit unpleasant, possibly noxious fumes. For the more than 10-year existence of the Trail and by federal rail banking guidelines and agreement, motorized vehicles, especially internal combustion powered, have not been allowed to be used by trail users on the Redbank Valley Trails. The noise and fumes are not in keeping with the natural qualities of the trail, and present a potential danger to users as well as the adjacent vegetation and wildlife. Internal combustion vehicles by trail users have been and will remain prohibited.
2. The ADA regulations define wheelchairs, and similar devices, as devices designed specifically for mobility disabled individuals. These devices are allowed on public trails, and are allowed and welcomed on the Redbank Valley Trails.

Wheelchairs and like vehicles **are designed specifically** for mobility disabled individuals. Other Power-Driven Mobility Devices (OPDMD) **are not designed specifically** for mobility disabled individuals, but may be used by others without disabilities. That difference is recognized by this policy.

It is also recognized that OPDMD constitute a large and varied group of vehicles including, but not limited to, golf carts, Segways, cycle cars, electric bikes, electric ride ons, powered scooters, velomobiles, and trikes (tricycles).

Policy item #1 recognizes the difference between the two classes of vehicles and allows the use of wheelchairs. In Policy item #2 OPDMD are allowed, **only** if they meet specific requirements.

3. OPDMD are allowed, following the general regulations of the trail which apply to all users, and provided:

A. Motors are 750 watts or less. (The DOJ requirements for prohibition include speed as a parameter for regulating OPDMD. While we adopt 15 miles per hour as the maximum speed, because speed is difficult to assess from vehicle specifications, the power of the motor has been used as an equivalent measuring standard, with higher power translating to higher top speed.) Pennsylvania Law (Act 154 of 2014) has defined pedalcycle as a vehicle propelled solely by human-powered pedals and pedalcycle with electric assist. The definition of the latter includes a vehicle less than 100 pounds, with two or three wheels more than 11 inches in diameter, an electric motor system rated at not more than 750 watts, equipped with operable pedals and capable of a speed not more than 20 miles per hour on a level surface when powered by the motor source only. The trail is non-motorized. There are potential OPDMD vehicles with motors of 750 watts and above. However, the power, and thus speed of those higher than 750 watts, is deemed to be a danger to other trail users. Further, PA Law provides in Section 2. Title 75, Section 3514 that, "No person under 16 years of age shall operate a pedalcycle with electric assist."

B. Vehicles weigh less than 100 lb. (43kg); Bicycles are in the 20 - 40 lb range. Considering the heaviest vehicle now allowed on the trail to be a tandem tricycle pulling a fully loaded trailer, that combination is nearly 90 lbs. The 100 lb. limit should thus be applied to all vehicles on the trail.

C. Vehicles are no more than 36" wide; Much of the trail has been built to 10' specifications. However, because the shoulders tend to be soft, and surrounding vegetation encroaches from the edges, the effective usable width is around 8'. With two-way traffic, that gives a 4' width for vehicles to pass. Any device wider than 3' begins to encroach on the opposite lane and becomes a safety hazard. Bicycles easily fit this width requirement. A search of the trikes and trailers available proved that they also are within that width. In addition, bollards at trail access areas and road crossings have openings around 36 - 40" and thus are significant barriers to wider vehicles.

D. Vehicles have fully operating pedals. The trail is, and has been since its inception, used by pedal driven devices, bicycles, and walkers. It is the nature of the facility and is what is, and has been, expected by users. Pedal-assist vehicles, where the operator is helped by adding power in proportion to the amount of force applied to the pedals, are vehicles very much like the devices now used on the trail. Vehicles with operating pedals, such as pedal-assist cycles and trikes, allow mobility disabled individuals to enjoy the benefits of the facility while being identical in size, weight, and maneuverability to existing users. Hand powered cycles are considered to have "fully operating pedals. The bicycle culture which has been established over the more than 11 years of the Redbank Valley Trails, is continued with the introduction of pedal-assisted vehicles. In addition, given that the trail has long sections through relatively remote landscapes without adjacent road access, the use of vehicles that depend solely on a motor or battery are hazards for those using such vehicles.

Electric Bicycle and Tricycle Policy Adopted September 6, 2021

E-bikes must meet the Federal definition of a bicycle or tricycle. The key factors are:

1. Electric motor less than 750 watts
2. Functional pedals
3. Maximum speed capability of not more than 20 miles per hour. (Note that RVTA maximum permitted speed is 15 mph due to topography and trail conditions.)
4. Does not have the capability of being self-propelled (i.e. must be pedaled in order to engage the electric motor). E-bikes are bicycles or tricycles having the capability to be assisted by an electric motor. They are not electric scooters that are able to be completely self-propelled by a motor or to be treated as such.

E-bikes are based on the concept of augmenting, not replacing, human power to move from one place to another. With this type of bike, an electronic control system senses the rider's effort (rear wheel torque and/or speed) and then augments that effort by supplying power from an on-board battery to an electric motor that also powers the rear wheel. The amount of "assistance" can range from 50% to 400% of the effort exerted by the biker. The electric motor not only "pulls its own weight" but makes pedaling easier for the biker. The result is that the rider can travel longer distances with less physical effort.

There are several classes of E-bikes now being manufactured, but only Class 1 bikes are currently allowed by PA law and by RVTA policy on the non-motorized Redbank Valley Trails.

Class 1: the electric motor only provides assistance when the rider is pedaling and ceases to provide assistance once the e-bike reaches 20 mph.

Class 2: the electric motor can propel the e-bike regardless if the rider is pedaling and ceases to provide assistance once the e-bike reaches 20 mph.

Class 3: the electric motor only provides assistance when the rider is pedaling and ceases to provide assistance once the e-bike reaches 28 mph.