USE OF ELECTRONIC PERSONAL ASSISTANCE MOBILITY DEVICES POLICY

Effective March 15, 2011, the Department of Justice (DOJ) revised rules regarding the use of “other power-driven mobility devices” to be used by “individuals with mobility disabilities” in public places such as Loup Power District’s Recreational Trails.

Loup Power District Recreational Trails Assessment

Loup Power District has completed an assessment of all recreational trails within Project Boundaries to determine whether it is able to make reasonable modifications in its policies, practices, or procedures to allow the use of “other power-driven mobility devices” on those trails.

This document is intended to provide the public with easy access to information so they can become familiar with the policy before going to a particular trail. This document contains information about the devices that may be used including the classes of devices that may be used, rules related to that use, and who to contact for more information.

Please note that General Trail Rules may also be posted at the trailhead.

Mission of the Loup Power District Recreational Trails Program

The mission of the Loup Power District Trails Program is to protect and enhance lands with existing or potential natural areas values. Protection of natural habitats and features is the highest priority, while provided for the public a safe setting for the healthy activities of hiking, biking, running, rollerblading, bird watching, wildlife viewing and environmental education.

Impacts of Other Power-Driven Mobility Devices on Loup Power District Trails

While Loup Power District Recreational Trails Program desires to accommodate individuals with mobility disabilities, this must be done in a way that does not have a significant negative impact on the mission of the Loup Power District Recreational Trails Program or its natural resources, or jeopardize the safety of persons using the trails, including those with a mobility disability. One of the assessment factors Loup Power District may consider in making its assessment is whether the use of certain classes of power-driven mobility devices creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Devices that may meet the definition of “other power-driven mobility devices,” including ATVs (all terrain vehicles) and other ORVs (off-road vehicles), are not appropriate types of recreation for Loup Power District Recreational Trails. Loup Power District has never allowed public recreational motorized use of its Recreational Trails, with the exception of motorized wheel chairs; thus, trails have not been designed for ATV or other ORV use by the public.
Use of ATVs and other ORVs poses considerable threat to the environment from noise, increased air pollution, impacts on other trail users and trail degradation.

The noise of off-road vehicles interferes with the natural, peaceful surroundings sought by Recreational Trail users such as hikers, mountain bikers, and other non-motorized recreationists.

Trail degradation by ATVs can be very problematic on multi-use trails. Rutted trails can be dangerous for other users.

**Electronic Personal Assistance Mobility Device (EPAMD) Policy**

Loup Power District has assessed its Recreational Trails and associated infrastructure, including trail heads, and adopts this EPAMD Policy:

**Definition:** An electronic personal assistance mobility device (“EPAMD”) is a device used by a person with a mobility disability. This definition does not include gasoline powered vehicles or devices, golf carts, or riding lawn mowers. This definition is restricted to devices with the following characteristics:

1. Wheelbase width must not exceed width of the trail and must not exceed a width of 32 inches to allow passage of pedestrians and others without going off trail; and
2. Weight of the EPAMD shall be 500 pounds or less to limit trail degradation; and
3. Travels on low-pressure tires; and
4. Designed to have a maximum speed of 20 mph or less and not modified so as to increase that maximum speed; and
5. Operated by an electric powered engine where the maximum noise level is 55 dBA or less at a distance of 25 feet from the device.

In addition, the following use and safety requirements apply to use of EPAMDs used on Loup Power District Recreational Trails:

a. Only persons with a mobility disability are permitted to use EPAMDs on a trail or facility designated for such use; and Loup Power District personnel and/or its designated representative (i.e. Law Enforcement), etc., may request that a person using an EPAMD provide credible assurance that the EPAMD is required because of the person’s disability; and
b. Persons accompanying a person with a disability but who do not themselves have a mobility disability are not permitted to use an EPAMD; and
c. The EPAMD must not exceed a speed of 5 miles per hour; and
d. The person using or operating an EPAMD cannot carry another person or object that would cause the EPAMD to tip or become unstable or cause harm to the driver of the EPAMD or others on the trail; and
e. Any person using or operating an EPAMD must not use or operate such a device on any trail or facility except on a Recreational Trail or in a facility designated for such use. The only facilities on Loup Power District properties designed for EPAMD use are Two Lakes Trail, Bob Lake Trail, and Robert White Trail; and
f. The EPAMD operator must not use or operate such a device on a Recreational Trail if use of the device causes damage to the trail or facilities; and
g. No driver or operator of any EPAMD shall be intoxicated; and
h. The EPAMD must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, Loup Power District employees, or other persons; and
i. No EPAMD shall be used or operated on a trail from dusk to dawn, even if equipped with lights, because of the safety hazard posed by operating such a device in low light or in the dark; and

j. Loup Power District does not accept responsibility for storage and/or theft of the EPAMD; and

k. Loup Power District does not accept liability for damage to the EPAMD, or injury to the operator, whether caused by the operator, another visitor to Loup Power District Recreational Trails or facilities, or any other circumstance; and

l. Loup Power District does not accept liability for damage caused by the operator of the EPAMD, or injury to others caused by the operator of such device; and

m. Loup Power District reserves the right to suspend the use of the EPAMD at Recreational Trails or facilities if doing so is in the best interests of the Loup Power District Recreational Trails Program and its participants; and

n. Loup Power District reserves the right to change, modify, or amend this instruction at any time, as it would any other instruction.

For questions or more information regarding Loup Power District Recreational Trail and Facility Assessment for EPAMD use, please contact the Vice President of Engineering at 402-564-3171 or loup@loup.com