



# Administrative Manual of Operating Procedures

Procedure #: <b>09.03</b>	Procedure Title: <b>Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices</b>		Revision #: <b>2.1</b>
Original Issue Date: <b>05/01/2016</b>	Revised Issue Date: <b>08/05/2022</b>	Next Review Date: <b>08/05/2024</b>	Responsible Department: <b>Office for Persons with Disabilities</b>
Statutory References: <b>ADA 1990 (P.L. 101.336), ADA Amendments Act (P.L. 110-325); 28 C.F.R. Part 35; Wis. Stat. 111.31 et seq.</b>		Ordinance References: <b>None</b>	
Appendices: <a href="#">Appendix B - 09.03 LMS Training PowerPoint</a> <a href="#">Appendix C - 09.03 Flowchart</a>		Forms: <b>None</b>	

## 1. OBJECTIVE

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Milwaukee County will not discriminate against qualified individuals with disabilities who utilize wheelchairs, mobility aids, and other power-driven mobility devices (OPDMD) and who seek to participate in or benefit from the services, programs or activities of the County.

People with mobility, circulatory, respiratory, or neurological disabilities use many kinds of devices for mobility. Some use walkers, canes, crutches, or braces. Some use manual or power wheelchairs or electric scooters. In addition, advances in technology have given rise to new devices, such as Segways®, that some people with disabilities use as mobility devices, including many veterans injured while serving in the military. More advanced devices will inevitably be invented, providing more mobility options for people with disabilities.

## 2. DEFINITIONS

- A. ADA Coordinator. The ADA Coordinator’s role is to coordinate the government entity’s efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. Milwaukee County has designated the Director of the Office for Persons with Disabilities as the ADA Coordinator, located at 1220 West Vliet, Suite 302L, Milwaukee, WI 53205. They can be reached at 414-278-3930, 711 (TRS), 414-278-3939 (Fax), 414-651-8109 (Emergency).
- B. ADA. Americans with Disabilities Act. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life and all public and private places that are open to the general public.
- C. Manually Powered Mobility Aids. Devices such as walkers, crutches, canes, and braces.
- D. Other Power-Driven Mobility Device (OPDMD). 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.
- E. Wheelchair. A wheelchair is 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.

## 3. PROCEDURE

- A. Choice of Device
  - i. People with disabilities have the right to choose whatever mobility device best suits their needs. For example, someone may choose to use a manual wheelchair rather than a power wheelchair because it enables him/her to maintain him/her upper body strength. Similarly, someone who can stand may choose to use a Segway® rather than a manual wheelchair because of the health benefits gained by standing.

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- ii. Milwaukee County may allow a type of device that is generally prohibited when being used by someone without a disability when it is being used by a person who needs it because of a mobility disability. For example, if golf carts are generally prohibited in a park, the park will allow a golf cart when it is being used because of a person's mobility disability, unless there is a legitimate safety reason that it cannot be accommodated.
- B. Allowance/Accompany
- i. Milwaukee County will allow people with disabilities who use manual or power [wheelchairs](#) or scooters, and [manually-powered mobility aids](#) such as walkers, crutches, and canes, into all areas where members of the public are allowed to go.
  - ii. Milwaukee County will allow people with disabilities who use other [power-driven mobility devices](#) into their facilities, unless a device cannot be accommodated because of legitimate safety requirements. Where legitimate safety requirements bar accommodation for a device, Milwaukee County will provide the service in alternate ways if possible.
  - iii. Five (5) specific assessment factors will be considered whether a particular type of other power-driven mobility device can be accommodated.
- C. Five Assessment Factors for Other Power-Driven Mobility Devices
- i. A safety assessment is made regarding the class of devices, rather than an individual's use of the device. All types of devices powered by fuel or combustion engines, for example, are excluded from indoor settings for health and environmental reasons but may be deemed acceptable in some outdoor settings. For safety reasons, larger electric devices such as golf cars may be excluded from narrow or crowded indoor and outdoor settings, however there is no valid reason to exclude smaller electric devices like Segways®.
  - ii. The ADA regulations list specific factors that Milwaukee County must consider in making a determination on the safety assessment. The five (5) assessment factors when considering whether a particular type of other power-driven mobility device can be accommodated include:
    - a. The type, size, weight, dimensions, and speed of the device;
    - b. The facility's 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 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);
    - d. 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
    - e. 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.
- D. Use of OPDMD's
- i. The user will operate the device at the speed of pedestrian traffic.
  - ii. All types of devices powered by fuel or combustion engines are excluded from indoor settings for health and environmental reasons.
  - iii. At security screening machines, users may be asked to leave their device and, if able, walk through the screening device. Those who are unable to walk through the screening device will be hand screened by security personnel.
  - iv. Owners of the devices are responsible for the devices when not being used within Milwaukee

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County buildings or grounds. Milwaukee County may provide storage of these devices when not in use if there is a secured space to do so.

- E. Questions Allowed / Not Allowed regarding use of OPDMD's
  - i. Milwaukee County Employee can ask the person using the device to provide credible assurance that the device is used because of a disability.
  - ii. 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.
  - iii. If the person does not have this documentation, but states verbally that the OPDMD is being used because of a mobility disability that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance. For example, if a person is observed running and jumping, that may be evidence that contradicts the person's assertion of a mobility disability.
  - iv. However, it is very important for Milwaukee County and staff to understand that the fact that a person with a disability can walk for a short distance does not necessarily contradict a verbal assurance. Many people with mobility disabilities can walk but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities.
  - v. Staff will not ask about the person's disability.
  
- F. Grievance
  - i. A person with a disability who feels that he or she has been discriminated against with regards to their use of wheelchairs, mobility aids, or other power-driven mobility devices within Milwaukee County government buildings, grounds, etc. may file a grievance with the Milwaukee County ADA Coordinator. Refer to [AMOP 09.04 ADA Grievance Procedure](#).

**4. REVISION HISTORY:**

Rev. #	Summary of Changes	Date of Change	Author
2	Annual review, minor changes/clarification only. Added definition: ADA.	03/10/2020	Tim Ochnikowski
2.1	Address Update	8/5/2022	Mike Bonk