

The following document was submitted by a committee member as material for discussion under Agenda Item 8 at the November 14, 2025, Access Advisory Committee Meeting.

Cover Memo

Proposed OPDMD Policy Initiative

This memorandum accompanies the attached draft materials concerning the development of a City of Santa Barbara ordinance and policy framework governing the use of Other Power-Driven Mobility Devices (OPDMDs) under the Americans with Disabilities Act (ADA). The intent of this initiative is to align City practice with ADA regulations (28 CFR § 35.137 / § 36.311), ensuring individuals with mobility disabilities have equal access to City parks, beaches, and public rights-of-way while maintaining legitimate safety and environmental protections.

Requested Committee Action:

- Review the attached draft ordinance and policy summary.
- Discuss opportunities and challenges for implementation within existing City codes.
- Recommend that staff & AAC collaborate on a formal OPDMD policy for Council consideration.

One-Page Policy Summary

Title: Enabling Access with Other Power-Driven Mobility Devices (OPDMD)

Purpose: Align City practice with ADA/DOJ rules so residents with mobility disabilities can reach parks, beaches, paths, and civic spaces while protecting safety and resources.

Key Elements:

- Permit by default in pedestrian areas unless a documented safety assessment restricts use.
- Establish speed (~10 mph), lighting, and yielding requirements.
- Allow inquiries for credible disability assurance (e.g., placard or verbal attestation).
- Allow departments to publish OPDMD assessments and permitted-use maps.

Benefits:

- Provides equitable access consistent with ADA.
- Clarifies enforcement and reduces conflict with e-bike or OHV rules.
- Creates transparent, evidence-based safety assessments.

Local Context: Santa Barbara's new e-conveyance regulations increase the need to distinguish legitimate mobility aids from recreational devices.

Regional Reference Policies

- 1 California State Parks - OPDMD Policy (statewide standard for trail and beach access).
- 2 Santa Monica Mountains Conservancy / MRCA - OPDMD Policy for open-space trails.
- 3 San Dieguito River Park JPA - Trail OPDMD Policy balancing access and habitat protection.
- 4 Orange County Parks - ADA Mobility Devices webpage with clear public guidance.
- 5 East Bay Regional Park District - Detailed OPDMD policy and enforcement guidance.
- 6 SMART (Sonoma-Marin Rail Transit) - 2024 OPDMD Policy for stations and trains.
- 7 City of Eureka - Municipal OPDMD Policy for sidewalks and facilities.
- 8 Port of San Diego - Tidelands Mobility Code § 8.07 covering OPDMDs.

DRAFT Ordinance

Regulation and Accommodation of OPDMDs

This proposed ordinance ensures that individuals with mobility disabilities are afforded equal access to City-owned or controlled facilities consistent with ADA Title II. It sets forth definitions, operational standards, and an evaluation process for safe use of Other Power-Driven Mobility Devices (OPDMDs).

Key provisions include:

- Definitions of wheelchairs, OPDMDs, and recreational vehicles.
- Assessment factors: device size, weight, speed, pedestrian volumes, safety, and environmental impact.
- Default permission for OPDMDs unless restriction justified by safety assessment.
- Operational rules for speed, lighting, audible signals, and yielding.
- Transparency: publication of site-specific OPDMD assessments and permitted routes.
- Enforcement limited to legitimate safety concerns, no blanket bans.
- Appeal process through the City ADA Coordinator.

This language can be introduced as new Chapter 10.75 “Mobility Devices - Accessibility and Safety” within the Municipal Code.

Section 1. Purpose and Intent

The purpose of this ordinance is to ensure that individuals with mobility disabilities are afforded equal access to City-owned or City-controlled facilities, parks, beaches, open spaces, sidewalks, and rights-of-way, consistent with the **Americans with Disabilities Act (ADA)** and implementing regulations of the **U.S. Department of Justice (28 CFR § 35.137 and § 36.311)**.

It is the intent of the City to:

1. Permit the use of **Other Power-Driven Mobility Devices (OPDMDs)** where such use can be reasonably accommodated without creating legitimate safety risks or substantial environmental harm;
2. Provide a clear, consistent process for determining where and under what conditions OPDMDs may be operated;
3. Educate law-enforcement, park rangers, and the public on the lawful use of OPDMDs; and
4. Distinguish legitimate mobility devices from recreational motor vehicles or e-bikes used for non-mobility purposes.

Section 2. Definitions

For purposes of this chapter:

- **“Wheelchair”** means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for indoor or outdoor locomotion.
- **“Other Power-Driven Mobility Device (OPDMD)”** means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for individuals with disabilities—that is used by a person with a mobility disability for the purpose of locomotion.
- **“Public entity”** means the City of Santa Barbara, its departments, divisions, and any agent acting under its authority.

- **“Recreational motor vehicle”** or **“Off-Highway Vehicle (OHV)”** means a device designed or used primarily for recreation, sport, or off-road travel not serving as an assistive mobility aid.
- **“Operator”** means any person operating an OPDMD or wheelchair in an area under City jurisdiction.

Section 3. General Policy of Accessibility

A. The City shall permit individuals with mobility disabilities to operate OPDMDs in areas open to pedestrian use except where such devices cannot be safely accommodated in accordance with the assessment factors set forth in Section 4.

B. No department or employee shall impose a blanket prohibition on OPDMDs without first completing the written assessment described herein and publishing the results for public inspection.

Section 4. Assessment Factors for Permitted Use

When determining whether and under what conditions OPDMDs may be operated in a particular facility, park, beach, or pathway, the responsible department shall consider:

1. **Type, size, weight, dimensions, and speed** of the device;
2. **Volume of pedestrian traffic** and potential conflicts;
3. **Design, surface, and operational characteristics** of the area;
4. **Legitimate safety requirements** necessary for safe operation; and
5. **Potential environmental impacts** to natural or cultural resources.

Findings shall be documented in an “OPDMD Access Assessment” report maintained by the relevant department and made publicly available on the City’s website.

Section 5. Operational Requirements

Unless a more restrictive rule is adopted through an approved assessment, OPDMD operation shall be subject to the following minimum conditions:

1. **Speed limit:** 10 mph maximum in pedestrian areas, or the posted bicycle limit, whichever is lower.
2. **Yielding:** OPDMD operators must yield to pedestrians and human-powered devices at all times.
3. **Lighting:** Devices operated from sunset to sunrise shall display a white front light visible 300 ft and a red rear light or reflector visible 500 ft.
4. **Audible signal:** A bell or horn audible within 50 ft is required for overtaking pedestrians.
5. **Dimensions:** Devices exceeding 36 inches in width or 60 inches in length may be restricted to designated routes unless otherwise approved.
6. **Noise:** Internal-combustion engines are prohibited except where specifically authorized for accessibility due to terrain or range limitations.
7. **Insurance / Liability:** Operators remain subject to general traffic and civil laws regarding negligent operation.
8. **Credible Assurance:** Upon inquiry by a peace officer or ranger, an operator may be asked to provide credible assurance that the device is required for mobility disability purposes (e.g., disability placard, state ID, or verbal attestation). No medical documentation shall be demanded.

Section 6. Areas of Permitted Operation

A. **Sidewalks and multi-use paths** – OPDMDs permitted when operated at pedestrian speeds and without obstructing others.

B. **Parks, beaches, and open space** – Permitted subject to posted restrictions derived from the Section 4 assessment.

C. **City buildings and facilities** – Permitted consistent with ADA indoor dimensional limits (30 in × 48 in footprint) or as otherwise authorized by the ADA Coordinator.

D. Roadways and bike lanes – OPDMDs may operate consistent with California Vehicle Code § 21206–21282 if equipped and operated as a low-speed vehicle or EPAMD.

Section 7. Prohibited Uses

It is unlawful to:

1. Operate an OPDMD in a manner that endangers persons or property;
2. Exceed posted speed limits or reasonable safe speed for conditions;
3. Use an OPDMD for recreational racing, stunts, or acrobatics;
4. Tamper with or remove any posted accessibility or restriction signage;
5. Misrepresent a recreational vehicle as a mobility aid.

Violations shall constitute an infraction punishable by administrative citation consistent with Chapter 10.20 SBMC (*Traffic Violations*).

Section 8. Implementation and Education

A. The **ADA Coordinator**, in consultation with the **Access Advisory Committee** and **Police Department**, shall develop educational materials for law enforcement, park personnel, and the public regarding OPDMD rights and responsibilities.

B. City departments shall maintain and publish an online map indicating where OPDMDs are permitted, restricted, or conditionally allowed.

C. Departments shall review assessments every five years or sooner upon substantial environmental or operational changes.

Section 9. Appeal and Review Process

Any person with a mobility disability who believes an OPDMD restriction is improper may request review by the City ADA Coordinator. The Coordinator shall respond within 30 days and may recommend modification or removal of restrictions inconsistent with ADA requirements.

Section 10. Severability

If any section or portion of this ordinance is held invalid or unenforceable, the remaining provisions shall continue in full force and effect.

Appendix A – Sample OPDMD Information Card (Optional)

(Front)

This device is a mobility aid protected under the ADA (28 CFR § 35.137).

Used by:

Device type/size/speed:

Contact:

(Back)

Operators must yield to pedestrians and comply with City of Santa Barbara OPDMD Ordinance No. _____. For inquiries contact ADA Coordinator (805) xxx-xxxx | ada@santabarbaraca.gov

Implementation Notes for Staff

- **Placement:** Insert as a new Chapter 10.75 “Mobility Devices – Accessibility and Safety” under Title 10 (*Vehicles and Traffic*) of the SB Municipal Code.
- **Administrative body:** City ADA Coordinator → primary enforcement liaison; Public Works & Parks → infrastructure assessment; SBPD → enforcement training.
- **Public notice:** within 90 days of adoption, publish assessment criteria and permitted-use map.
- **Review cadence:** 5-year technical update or upon DOJ rule change

Next Steps

1. **Committee review:** circulate to Access Advisory Committee for comments and vote of support.
2. **Staff alignment:** coordinate with City Attorney, Public Works, Parks & Rec, Police, and Risk Management for technical vetting.
3. **Pilot designations:** select 1–2 parks or coastal paths to pilot an OPDMD assessment (record weight/width thresholds, trail conflicts).
4. **Council action:** submit ordinance and pilot data for adoption.
5. **Education rollout:** train officers and rangers using DOJ sample guidance.