



Department of
Environmental
Conservation

Other Power-Driven Mobility Devices (OPDMDs)

A New Commissioner Policy

January 22, 2026

Policy Summary

The policy will establish the process for determining where OPDMDs may be used by individuals with mobility disabilities to access outdoor recreational programs offered by the State of New York on lands under the jurisdiction of DEC:

- Forest Preserve
- State Forests
- Wildlife Management Areas
- Conservation Easements
- Education Centers

Background

Federal Foundation:

- Architectural Barrers Act of 1973
- Americans With Disabilities Act (1990)
- ADA Title II Federal Regulations – 28 CFR Part 35 (1992)
 - Nondiscrimination on the Basis of Disability in State and Local Government Services
- Other Power-Driven Mobility Devices - Title II 28 CRF 36.137 (2011)

Background

Under ADA Title II, **reasonable accommodation** means necessary modifications to policies, practices, or procedures, or providing auxiliary aids/services (like interpreters, readers) for public entities (state/local gov't) to ensure people with disabilities have equal access to programs, services, and benefits, preventing discrimination without causing undue burden.

Background

DEC/APA Foundation:

- DEC Creates Commissioner Policy 3 (CP-3) 1997
- Early 2000 DEC creates the Statewide Accessibility Coordinator
- Early 2000 DEC/APA establish the Accessibility Advisory Committee
- DEC Establishes Case-by-Case Review Procedure 2012
- Adirondack SLMP Amendments in 2025

Purpose and Goals of the Policy

- To allow for **access to outdoor recreation** while **protecting natural resources**, consistent with **federal regulations**.
- To direct DEC to consider and evaluate **new opportunities**
- To **increase transparency** and clarify process
- To clearly evaluate and **guide public OPDMD use** on DEC-managed land by:
 - Identifying OPDMD opportunities
 - Outlining application and review process

The Policy Establishes

- **Approved OPDMD Uses** - Where certain classes of OPDMDs are now allowed without further review by DEC;
- **Future OPDMD Review** - Where certain classes of OPDMDs may be allowed pending review through DEC's established land management planning processes;
- **Individual OPDMD Accommodations** - Where certain classes of OPDMDs may be allowed pending consideration on a case-by-case basis; and
- **Incompatible OPDMD Uses** - Where DEC's review of the Federal Assessment Factors determined that certain locations on DEC-managed land cannot reasonably accommodate certain categories of OPDMDs.

Federal Factors

- 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 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;)
- Whether legitimate **safety requirements** can be established to permit the safe operation of the other power-driven mobility device 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.

Attachment A – Mobility Device Categories

Category	Examples*	Device Description**	Operation Limits***			
			Max Width	Max Weight	Max Allowable Speed	Decibel Limits
Wheelchair	<i>Manual and hybrid power wheelchairs</i>	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 (CFR §35.104).				
OPDMD Category 1	<i>Off road mobility devices</i>	A battery-operated power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of outdoor locomotion.	40 in.	400 lbs.	4 mph	Soft 30 dB
OPDMD Category 2	<i>E-scooters, Electric Personal Assistive Mobility Devices</i>	A device powered solely by electric motor that can be stood or sat upon by the operator, and has at least two wheels, handlebars, and a floorboard.	30 in.	300 lbs.	20 mph	Soft 40 dB
OPDMD Category 3	<i>Class 1 E-bikes (Pedal assist, not wider than 36 in.)</i>	A Class 1 Bicycle with Electric Assist in which requires that it is “no more than thirty-six inches wide... equipped with operable pedals... having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.” (see VTL §102-C(a)).	36 in.	n/a	20 mph	Soft 40 dB
OPDMD Category 3A	<i>Class 1 E-bikes (Pedal assist, wider than 36 in.)</i>	A Class 1 Bicycle with Electric Assist, except that the device may be wider than 36 inches.	≥36 in.	n/a	20 mph	Soft 40 dB
OPDMD Category 4	<i>Class 2 E-bikes (Throttled, not wider than 36 in.)</i>	A Class 2 Bicycle with Electric Assist which is “no more than thirty-six inches wide... equipped with operable pedals... having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.” (see VTL §102-C(b)).	36 in.	n/a	20 mph	Soft 40 dB
OPDMD Category 4A	<i>Class 2 E-bikes (Throttled, wider than 36 in.)</i>	A Class 2 Bicycle with Electric Assist, except that the device may be wider than 36 inches.	≥36 in.	n/a	20 mph	Soft 40 dB
OPDMD Category 5	<i>Golf carts, Gas mobility devices</i>	A device powered by battery or gas.	52 in.	n/a	20 mph	Moderate 60 dB
OPDMD Category 6	<i>Off road recreational vehicles</i>	A device designed for use off road including an All-Terrain Vehicle (ATV) as defined in VTL, Utility Terrain Vehicle (UTV), Side by Side, Class 3 e-bike and other gas or battery-powered devices which meet the limits as described.	n/a	n/a	20 mph	Loud 70 dB
OPDMD Category 7	<i>Cars and trucks</i>	Motor Vehicle. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power as defined by VTL § 125	n/a	n/a	20 mph	Loud 70 dB

Device Classes

Category 1: A battery-operated power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of outdoor locomotion. Maximum width, 40 inches; Maximum weight, 400lbs; Maximum speed, 4 mph; Decibel limits, Soft: 30 (rustling leaves/whisper conversation).

Category 2: A device powered solely by electric motor that has tandem wheels, handlebars, and a floorboard or a seat that can be stood or sat upon by the operator. Maximum width, 30 inches; Maximum weight, 300lbs; Maximum speed, 20 mph; Decibel limits, Soft: 40 (quiet library).



Device Classes – E Bikes

Category 3: A Class 1 Bicycle with Electric Assist in which requires that it is “no more than thirty-six inches wide... equipped with operable pedals... having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.” Maximum width, 36 inches; Decibel limits, Soft: 40 (quiet library) (Class 1 e-bike as defined in VTL §102-C(a)).

Category 3-A: A Class 1 Bicycle with Electric Assist, except that the device may be wider than 36 inches. Width: wider than 36 inches; Decibel limits, Soft: 40 (quiet library)

Category 4: A Class 2 Bicycle with Electric Assist which is “no more than thirty-six inches wide... equipped with operable pedals... having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.” See VTL §102-C(b). Decibel limits, Soft: 40 (quiet library).

Category 4-A: A Class 2 Bicycle with Electric Assist, except that the device may be wider than 36 inches. Decibel limits, Soft: 40 (quiet library).

Device Classes

Category 5: A battery- or gas-powered device. Maximum width, 52 inches; Maximum speed, 20 mph; Decibel limits, Moderate: 60 dB (normal conversation/dishwashers).

Category 6: A device designed for use off road including an All-Terrain Vehicle (ATV), Utility Terrain Vehicle (UTV), Side by Side, Class 3 e-bike (VTL §102-C(c)), and other gas or battery-powered devices which meet the limits as described: Maximum speed, 20 mph; Decibel Limits, Loud: 70 dB (traffic/vacuums).

Category 7: Motor Vehicle. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power as defined by VTL § 125. Decibel Limits, Loud 70: dB (traffic/vacuums).

Pre-Approved OPDMDs Uses In Adirondacks

- **Historic Great Camp Santanoni** – Class 2 – 3A Newcomb Lake Rd
- **Adirondack Rail Trail** – Class 2, 4 and 4A
- **Designated Bicycle Trails** – Class 3 - 4
- **MAPPWD Routes, Forest Preserve and State Forests** – Class 6 or 7
- **Campground recreational trails** with a maintained tread of 36" - Class 1-4A

Incompatible OPDMD Uses in Adirondacks

- **Equestrian Trails** on all lands under DEC jurisdiction, Class 1-7
- **Recreational Trails** on all lands under DEC jurisdiction, Class 7
- **Recreational Trails** within **Campgrounds and Day Use Areas**, Class 6,7
- **Areas with utility/administrative infrastructure**, such as but not limited to leach fields, utility line corridors, administrative and storage areas. Class 6,7

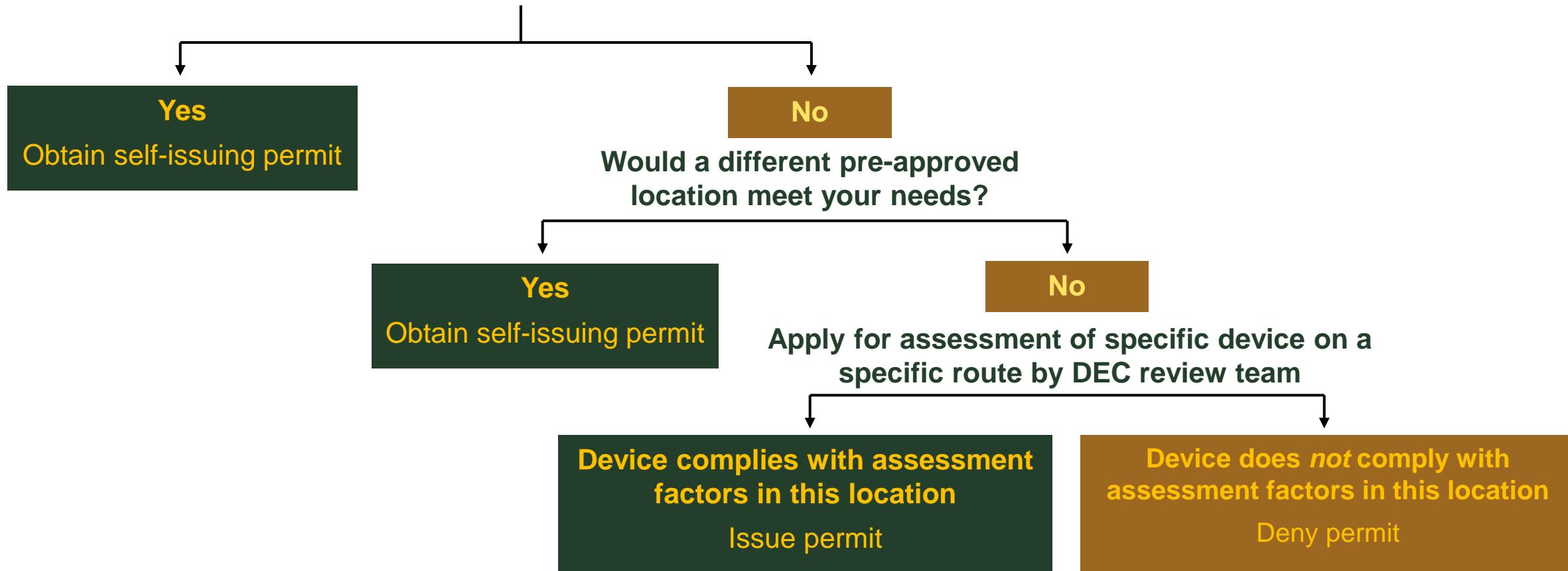
Incompatible OPDMD Uses in the Adirondacks

Wilderness, Canoe and Primitive

- **Recreations Trails within 500 feet** of a public highway in areas with no provisions for bicycling or snowmobiling, Class 3-7
- **Recreational trails beyond 500 feet** of a public highway in areas with no provisions for bicycling or snowmobiling, Class 2-7
- **All Recreational Trails**, Class 6,7

Sample Use Case

Is your device, and the route where you want to use it, listed as “pre-approved” on DEC’s website?



What This Policy Will Achieve

- Expands list of pre-approved routes, increasing efficiency for users.
 - Self-issuing permits will allow DEC to collect data and report on actual use
- Clarifies for DEC staff and the public the step-by-step process for evaluating appropriate OPDMD use.
- Affirms DEC's commitment to wilderness principles, as defined by Article XIV and the APSLMP.



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