



**CITY OF HELENA
ADA Compliance Committee
May 16, 2023, 1:30 p.m.
Zoom Online Meeting; City-County Building Rm 326**

Members Present: Jim Whaley, Gina Lytle, Debbie Lane, Melinda Reed

Members Absent: Bobbie Kalfell

Call to Order and Roll Call

(0:00:00) Chair Whaley called the meeting to order and noted that there was not yet a quorum.

Minutes

(0:01:30) Minutes from January 17th, 2023 were not approved as there was not a quorum.

Regular Items

A. ADA Concerns/Complaint Status Report

(0:01:43) It was noted that there had been no complaints as of May 9th, 2023.

B. Consideration of recommendations to allow electronic assist devices, including E-bikes on the Helena trail system.

(0:01:55) Chair Whaley opened the discussion on the recommendation and stated that his understanding is that e-bikes are currently not allowed on the trail system and that there is no enforcement of that prohibition. Chair Whaley stated the recommendation would clarify that individuals who would need either E-bikes (all but throttle bikes) and/or electronic assisted mobility devices would be able to use the trail system as a reasonable accommodation, including individuals unable to ascend the trails either because of age or other physical conditions, and noted the proposal was part of the meeting materials. There was no discussion and as there was not a quorum present there was not a call for any type of action on the recommendation.

Public Comment

(0:04:01) Transportation Systems Director David Knoepke brought up the question of the number of ADA ramps at intersections and the city's stance that there should be a ramp at each leg of the intersection (ie 3 ramps for a three legged intersection) whereas some developers have requested to remove ramps. Chair Whaley stated that he found the developers' vision to be contrary to ADA accessibility but had difficulty envisioning it. Director Knoepke stated that he would have visual examples available for the next meeting and suggested the standard needs to be



every leg of an intersection is ADA compliant unless there are some extenuating circumstances.

- (0:06:21)** Vice-Chair Lytle joined the meeting and asked how the entrance to the Law and Justice Center can be considered ADA compliant without an automatic door opener. Chair Whaley stated that he was under the impression that there is an exception to entrance doors, and they are not required to have an automatic opener depending on the pull pressure necessary to open the door. Chair Whaley noted that he was informed that there was now a quorum and directed the meeting back to approval of minutes.

Minutes

- (0:13:24)** Minutes from January 17th, 2023 were approved with corrections to spelling errors.

Regular Items

- B.** Consideration of recommendations to allow electronic assist devices, including E-bikes on the Helena trail system.

- (0:13:38)** Chair Whaley brought regular item B back for discussion as a quorum was still present, and asked if there was any discussion on the draft that was presented to the committee. Chair Whaley explained that he had been approached by a number of older members of the community who enjoy riding bikes on the trail system but are finding riding a traditional bike challenging. It was his opinion that the ADA defines disability as a physical impairment that limits your ability to perform one of life's major activities. Chair Whaley stated he would not argue that riding a bike is an essential activity, but getting exercise is certainly something that should be encouraged across a broad spectrum of people, while recognizing that there are other people with physical limitations who be able to access the trail system with an electronic assisted device such as a wheelchair, scooter, or e-bike, and make the trail system more inclusive. Chair Whaley noted the language in the recommendation was limited to not allow throttle control e-bikes or other electronic bikes as they become developed in the future that are more appropriate to motorcycles but stressed the importance of maintaining the trail system as a pedestrian and bicycle user environment, and this recommendation would simply open the opportunity for those with physical limitations.

- (0:16:24)** Vice-Chair Lytle asked why throttle bikes were being excluded as she knows many in the disabled community who use throttle bikes, and these bikes are not very dissimilar to a mountain bike, and still need to be pedaled to move the device. Vice-Chair Lytle stated her feeling that we should be a bike friendly community for all, and not just for able bodied people with shuttles to go to trails and the disabled community shuffled off to the South Hills with undeveloped trails which lack restrooms and parking designed for the disabled. Vice-Chair Lytle asked if there was factual evidence behind a prohibition on throttle bikes and reiterated her feeling that the city needs to be designed more with the pedestrian and bike user in mind. Chair Whaley thanked Vice-Chair Lytle and suggested that the focus on throttle bikes be focused on allowing throttle bikes for people with disabilities, and proposed striking the prohibition on throttle control bikes or vehicles designed for



recreational use from the recommendation. Vice-Chair Lytle said that would address her concerns.

- (0:23:54)** Chair Whaley asked Brad Langsather, City of Helena Open Lands Manager, his thoughts. Mr. Langsather stated that there is a DOJ ruling from 2011 that addresses the use of electronic mobility devices on municipal owned lands, and there is a gray area around individuals without disabilities, and that is where that will need to be taken into consultation. Chair Whaley stated his agreement about that and asked for a second to the motion to strike the prohibition on throttle control bikes or vehicles. Ms. Lane seconded the motion. A voice vote was called, and the motion passed unanimously. Chair Whaley asked for a motion to approve the recommendation as amended. Ms. Lane expressed her unease about people assuming that all trails are ADA accessible and then the city being sued when their wheelchair will not make it on the trail they choose. Vice-Chair Lytle stated that the ADA does not apply to the wilderness, and that it is primarily for cities, businesses, access. Chair Whaley echoed this and stated that trails are not designed for ADA accessibility but that this would be a reasonable accommodation for individuals with impairments or limited physical abilities. Ms. Lane thought that should be made clear that the trails will not be okay for all electronic devices. It was agreed that would become an explanation, and that the recommendation should be worked on and brought back for a vote at a later meeting, and a working group was formed.

Member Communications / Proposals for next Agenda

- (0:28:56)** The next scheduled meeting is July 18th, 2023.

Meetings of Interest / Announcements

- (0:29:12)** There were no announcements.

Adjournment

- (0:30:14)** The meeting was adjourned.