

Aspen Skiing Company Policy for Use of Other Power-Driven Mobility Devices And Service Animals

Introduction

New rules under the Americans with Disabilities Act (ADA), Titles II and III, went into effect on March 15, 2011. In part, these rules address access to “public accommodations” for individuals using wheelchairs, other power driven mobility devices (OPDMDs) and service animals. Any indoor or outdoor site or facility open to the public on property owned, leased, or controlled by Aspen Skiing Company, LLC (ASC) is considered a “public accommodation.”

Types of mobility devices

The ADA defines a wheelchairs as mobility aids belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered, that do not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and do not weigh more than 600 pounds when occupied. Electric motorized scooters falling within these criteria meet this definition.

An OPDMD is defined as any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for the use by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT®, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair, falling within the definition stated above.

Individuals using an OPDMD may be asked if the device is being used due to a mobility disability and may be asked to provide “credible assurance” that the device is necessary because of the person’s mobility disability. “Credible assurance” can be the person’s state issued placard, ID, or a verbal statement not contradicted by observable fact. However, documentation and further conversation establishing the nature and extent of the disability cannot be required and shall not take place.

Assessment Factors:

The new rules require public accommodations to consider the following factors in determining whether a particular OPDMD can be allowed in a specific facility as a reasonable accommodation:

1. Type, size, weight dimensions, and speed of the device.
2. The facility’s volume of pedestrian traffic which may vary at different times of day, week, month, or year;

3. 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);
4. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
5. Whether the use of the other power-driven mobility device 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.

Service Animals:

“Service animals” are dogs that have been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other animals, whether wild or domestic, do not qualify as “service animals.” Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not “service animals.”

Subject to certain limitations, miniature horses may be substituted for service dogs. Miniature horses used as service animals must meet the standards set forth by the American Miniature Horse Association. Specifically, miniature horses may not exceed thirty-four inches at the withers measured at the last mane hairs.

The use of miniature horses is prohibited on all ski lifts and within buildings on ASC property due to size, weight, and other safety considerations within each location.

All service animals must fall within current ADA guidelines, which include, but are not limited to: remain under the direct control of the user at all times; be house broken; and be trained and utilized for a specific disability approved by ADA regulations.

Winter Policy Statement

Persons using wheel chairs and other manually operated mobility devices are permitted in all areas open to the public for pedestrian use.

ASC operates the Aspen Mountain, Buttermilk, Snowmass, and Aspen Highlands ski areas under Special Use Permits issued by United States Forest Service. The Special Use Permits prohibit use of motorized vehicles, including OPDMDs, by members of the public at any ASC ski area during winter operations.

Additional Considerations:

Pursuant to Assessment Factor (4), above, the use of power driven vehicles by the public, including OPDMDs used by individuals with mobility disabilities, poses a direct conflict

with ASC's legitimate safety requirements for the safe operation of a ski area. These safety concerns include the use of devices on slopes that expose the OPDMD users and skiers/snowboarders to unreasonable safety hazards. These safety concerns are compounded by large volume of ski slope and trail use at ASC ski areas. These safety requirements are based on actual risks and are not intended to be discriminatory in any way.

Winter Policy for Service Animals

ASC supports the use of trained service animals during the Winter Operating Season. All service animals must meet current ADA guidelines which include, but are not limited to: remaining under the direct control of the user at all times, be house broken and be trained and utilized for a specific disability per ADA regulations.

Use of service animals on the Aspen Mountain Gondola located at the Aspen Mountain Ski Area and the Elk Camp Gondola located at the Snowmass Ski Area is permitted. However, due to size and weight constraints, the use of miniature horses on these lifts is prohibited. ASC prohibits the public from having service animals on all other lifts. ASC restricts the use of animals on the lifts to dogs specifically trained, or in the process of being trained for avalanche search and rescue work and which are under the direct control of ASC personnel. The use of service animals on ski lifts and ski terrain directly conflicts with ASC's safety requirements and impedes the reasonably safe operation of ASC's on-slope activities. These safety concerns include the real potential for conflicts between service animals and skiers and riders and are compounded by the large volume of slope and trail use. These safety requirements are based on actual risks and are not intended to be discriminatory in any way.

Exception: Service dogs may be used on ski terrain at the Snowmass Ski Area. Service dogs must be leashed at all times and both dog and owner must comply with ASC's Uphill Guidelines.

Summer Policy Statement

ASC Summer Operations are limited to the Aspen Mountain and Snowmass Ski Areas. It is ASC's intent to provide equal opportunity to all visitors to experience the facilities and natural and cultural resources on all ASC public accommodations. Due to the broad range of devices and vehicles falling within the definition of OPDMD, ASC will contemplate the use of such devices subject to the Assessment Factors cited above. Until such time and pending further review, ASC will allow use of OPDMDs that meet the following criteria:

- a) Limited by the intended use of the device or vehicle, based upon the manufacturer's recommendation and the type of recreation activity the device or vehicle is designed and used for.
- b) If powered by an internal combustion engine, the engine shall have a four-stroke cycle, be equipped with an approved spark arrestor muffler, and meet Clean Air

standards in effect at the time of its manufacture. Two stroke cycle engines are not allowed.

- c) If powered by an internal combustion engine, OPDMDs are not allowed inside structures.
- d) Used only on paved (concrete, asphalt, or compacted aggregate) paths on the sites owned or controlled by ASC. Note: this does not include trails or inside structures. At no time are OPDMDs allowed on any ASC mountain biking trails, ski trails, or runs.
- e) Used in accordance with normal operating hours for the respective ASC owned and or operated facility and in compliance with current regulations and policy governing public use of ASC programs and sites.
- f) Used on ASC owned and controlled vehicle ways with a posted speed limit of 15 mph or less.
- g) Combine width of OPDMD, operator, and additional load does not exceed 45% of the surface width of the circulation path.

All ASC trails designated for pedestrian traffic are open to individuals with mobility disabilities using wheelchairs, scooters, walkers, crutches, canes, braces and other similar devices. ASC does not represent or warrant that ASC slopes, trails and facilities are designed, maintained, or managed for any mobility device.

Any ASC trail designated for hiking, biking, horseback riding, and interpretation is open to individuals with mobility devices using wheelchairs, as defined herein. However, these trails **are not** open to OPDMDs due to Assessment Factors (1), (2), (4) and (5), cited above. OPDMDs pose a legitimate safety threat to other individuals using the trails and they pose a substantial risk to the natural and cultural resources associated with the trails, and, by their nature, disturb the intended trail experience. ASC's assessment is based on actual safety risks and other Assessment Factors and is not intended to be discriminatory in any way.

Any ASC trail or facility that allows use of motor vehicles to the public are open to individuals with mobility disabilities using wheelchairs, as defined herein, and to OPDMDs meeting the criteria stated in this Policy.

Individuals with mobility disabilities using ASC trails and facilities open to wheelchairs, as defined herein, and OPDMDs meeting the criteria stated in this Policy, use those trails and facilities at their own risk. ASC does not represent or warrant that ASC trails and facilities are designed, maintained, or managed for any mobility device. Persons using wheelchairs and OPDMDs shall obey all permanent or temporary closures of terrain, trails, roads and other portions within ASC's ski areas.

Individuals with mobility disabilities are encouraged to contact ASC prior to arrive to determine if their OPDMD is allowed according to the criteria stated in this policy. Upon arriving at the site, individuals with mobility disabilities using OPDMDs must check in at the main ticket office at the respective ski area prior to using the OPDMD on an ASC trail or facility to ensure it is acceptable at that site.

Mountain managers and their designees are authorized to issue, condition, or deny permission for trail or facility access so long as the determination is based on non-disability related factors. Such determinations may include documentable safety, facility or natural resource management purposes, search and rescue operations, weather conditions, and seasonal closures of areas for wildlife protection.

Operator Responsibilities

Operating a motor vehicle on ASC owned, leased, or permitted areas, roads, and trails carries a greater responsibility than operating that vehicle in a city or other developed setting. The operator must know and follow all applicable traffic laws as well as show concern for the environment and other user. Misuse of a motor vehicle can lead to the temporary or permanent closure of any designated road, trail, or area. The motor vehicle operator is subject to stated traffic laws and state regulations requiring licensing, registration and operation of the vehicle in question. Motor vehicle use, especially that involving off-road use, involves inherent risks that may result in property damage, serious bodily injury, and possibly paralysis or death to participants. Operators must drive cautiously and anticipate rough surfaces and features such as snow, mud, vegetation, tree roots, and water crossings common to remote conditions. The operator voluntarily assumes full responsibility for the damages, risks and dangers. The operator must take care at all times to protect him or herself and those individuals for which he or she is responsible. Medical assistance may not always be available. Cellular telephones do not work in many parts of ASC's permitted areas. The operator should take sufficient food, water, first aid supplies, and other clothing and equipment appropriate for the conditions and expected weather. A person may be asked to leave ASC property if the device is being operated in an unsafe or disruptive manner, in which case the operator may be subject to arrest and prosecution.

Summer Policy for Service Animals

ASC supports the use of trained service animals during the Summer Operating season. All service animals must meet current ADA guidelines which include, but are not limited to: remaining under the direct control of the user at all times; be house broken; and be trained and utilized for a specific disability approved by ADA regulations.

Service animals are approved for use only on trails designated for hiking and open roadways. Persons using service animals shall obey all permanent or temporary closures of terrain, trails, roads and other portions within ASC's operational boundaries.

With the exception of the use of service dogs on the Silver Queen Gondola at Aspen Mountain and the Elk Cam Gondola at Snowmass, the use of service animals on ski lifts and mountain biking trails directly conflicts with ASC's safety requirements for the reasonably safe operation of on-slope activities and is forbidden. These safety concerns include the use of service animals on the slopes that expose guests to safety hazards. These safety concerns are compounded by ASC's large volume of trail use. These safety

requirements are based on actual risks and are not intended to be discriminatory in any way.