

DISABLED PARKING PROGRAM

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Fran Gardner	27165E Main #7214	fran@heranet.com
Linda Heaster		lindaheaster@broad
✓ Chuck Frayer	Vancouver	distability.com
✓ Bernie Bottomly	PBA	
✓ Tamara Kennedy Hill	Travel Portland	tmh@travelportme
✓ Richard L. Koenig	Travel Advocate	
✓ David Miller		



**OFFICE of EQUITY
and HUMAN RIGHTS**
CITY OF PORTLAND

Realizing Equity. Enhancing the City of Portland.

Commissioner in Charge:
Charlie Hales, Mayor

Bureau Director:
Dante J. James, Esq.

December 19, 2013

**Portland Commission
On Disability**

Executive Committee

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Chair

Nicholas Johnson
Vice Chair

Jan Campbell
Chair Emeritus

Nyla McCarthy
Chair Emeritus

Travis Wall

Lavaun Heaster

Suzanne Stahl

Steven Brown

Greetings Mayor and Commissioners,

My name is Joe VanderVeer. Since 2008, I've been active member of the Disabled Parking Task Force (DPTF) and I am the current chair of the Portland Commission on Disability (PCOD). My testimony today is on behalf of the PCOD.

As an advisory body charged with representing all Portlanders with disabilities, our commission has struggled with the pending implementation of SB 716 more than any other issue that has come before us. This law divides people with disabilities into 2 groups, those who use mobility devices and those who don't, and we are ideologically opposed to the disparate treatment the law prescribes. We would strongly prefer to see all people with disabilities treated equally. However, we also respect the City's need to manage its on-street parking resources and we realize that the City is bound by the provisions of SB 716 in fulfilling that obligation.

If implemented as written, there is little question that the on-street parking accommodation changes specified in SB 716 would negatively impact the ability of people with disabilities to participate fully in our community. We appreciate the extensive work that went into this resolution to mitigate the impact of implementing SB 716 and we commend the DPTF, Commissioner Novick's office, and PBOT staff for their efforts to develop ways of maintaining the accommodation for those most affected by these changes.

The Commission on Disability regrets that it has become necessary for the City to make such changes to its parking accommodation policy, but, since we also feel that the City has acted in good faith to preserve the accommodation as originally intended, we support this resolution as a reasonable path forward where no perfect solution exists. We welcome the opportunity to continue to work with Council and PBOT staff as this resolution is implemented, to monitor its impact and make further changes as needed to ensure the continued full inclusion of people with disabilities in our city.

In solidarity for a better city for all,

Joe VanderVeer
Chair, Portland Commission on Disability

Testimony of Bernie Bottomly
VP of Government Affairs and Economic Development
Portland Business Alliance
Before Portland City Council
Regarding Disabled Parking
December 19, 2013

Good afternoon Mayor Hales, Commissioners.

My name is Bernie Bottomly and I am the Vice President of Government Affairs and Economic Development for the Portland Business Alliance and member of the Portland Bureau of Transportation Citizen Budget Advisory Committee. I'm here today to express the Alliance's support for the Portland Bureau of Transportation's (PBOT) proposed changes to the disabled parking program.

As my colleague, Lisa Frisch mentioned, for the past six years, the Alliance has participated in the Disabled Parking Task Force, which was charged with developing parking policies for non-wheelchair Disabled Parking Permits. As a result of the committee's thoughtful work, the proposed ordinance responds to longstanding complaints from downtown retailers and offices regarding permit misuse, the resulting reduced parking turnover and number of convenient parking spaces for individuals with disabilities.

Moving forward, we want to ensure that those individuals who need accommodations are adequately served by this program. We appreciate that Commissioner Novick and PBOT are willing to work with individuals with disabilities who can demonstrate extreme hardship on a case-by-case basis by providing them the option to purchase a monthly pass at a cost similar to that of monthly parking at a Smart Park Garage and or for providing them information on the state's issuance of wheelchair placards that allow parking for unlimited periods of time.

We ask that for the initial six months of implementation that there be fewer penalties and more of an educational effort around the new changes unless there are egregious violations. After the first six months, we recommend that the program be revisited to determine if any adjustments need to be made to ensure that the program is benefitting both short-term visitors and providing enhanced accessibility to those who need it most.

As a member of the PBOT Budget Advisory Committee, I understand that the proposed program not only addresses the problem of permit misuse but is also expected to generate \$1 million a year for PBOT at a time when it faces waning revenue sources.

Thank you for presenting a thoughtful and equitable solution to the longstanding misuse of parking placards downtown.

Emailed to Council
12/19/13 pu**Moore-Love, Karla**

From: Alisa Eicher [aeicher@gmail.com]
Sent: Thursday, December 19, 2013 6:48 AM
To: Moore-Love, Karla
Subject: Today's Agenda item 1210: city council

37048

Hi Karla,

I have a comment/opinion regarding the handicapped parking #1210

The concept of equitable treatment for all is the issue here. Having a handicap placard gives you preferentially located parking spaces but it should not give you preferential financial treatment in not having to pay for utilizing a service (parking in metered parking wherever it happens to be located). For example, when you fly on an airplane and you are handicapped, you get a seat that is located closer to the exit, but you still have to pay for the plane ticket. If you park in a parking garage downtown, you may be able to park in a preferred parking space, but you still have to pay to park in the garage. If you are employed, and you are handicapped, your wages for doing that job are not more or less because of your disability. The same rationale should apply here-if you are making the choice to drive to a location that offers metered parking, you should pay for the service.

Thanks!

Alisa Eicher

(City of Portland resident, voter, taxpayer!)

Via iPhone, apologies for pithiness/typos :)

Submitted by
David Miller

City of Portland

Disabled Parking Task Force

March 13, 2009, 1:00 – 2:30 PM

1221 SW 4th Avenue, 2nd floor, Pettygrove Room

Agenda

- 1:00 – 1:10 Meeting #9 Notes / Agenda / Review where we are
- 1:10 – 1:20 Report back new information from constituent groups
- 1:20 – 1:30 Discuss ideas generated at the last meeting for DMV
- 1:30 – 2:15 Finalize Recommendations Report
- 2:15 – 2:20 Prepare for presentation to Council
- 2:20 – 2:25 Public Comment
- 2:25 – 2:30 Next Steps / Adjourn

Handouts: 2/27 Meeting Notes; Draft Recommendations

City of Portland
Disabled Parking Task Force (DPTF)
February 27, 2009 – Meeting #9 Notes

City Hall, 1211 SW 4th Avenue
2nd Floor – Lovejoy Room

Present:

Members: Ann Balzell, Betty Brislawn, Jan Campbell, Nickole Cheron, Lisa Frisch, Bert Geiger, Dave Gragg, Albert Hoguet, Gene Maier, Joe VanderVeer

Staff: Nolan Mackrill, Ruth Lane, Lavinia Gordon

Nolan began the meeting with introductions and asked Task Force members to provide feedback from constituent groups they represent.

Ann noted that the City of Bend implemented SB 716 and 4 complaints were filed with the Department of Justice. She will email Nolan the Bend ADA Coordinator's contact information and staff will let Shoshanah know the situation.

Betty noted that a person named Jane Netboy had advised her that several folks are working at the State Legislature on making possible changes to SB 716.

Al asked about the status of the City's legislative agenda and Nolan responded that we drafted a change to have a medical provider's signature required for renewal and a request to have signatures verified against the signer's medical license number.

Nolan mentioned that since the last time the task force met, a bill was proposed to State legislative committee that a disabled permit be provided for each vehicle registered to a person with a disability.

He also mentioned that there was a move to bring back disabled license plates; as far as he knows, no action has been taken on either of these items.

Following is a list of ideas the task force came up with, mostly for the purpose of bringing them to the DMV for consideration.

- ◆ Restrict the type of medical providers who could certify disabilities to a Doctor of Medicine only
- ◆ Require old placards be turned in when a new one is issued; offer a gift card for the return
- ◆ Wait for City of Bend and Department of Justice to resolve claims
- ◆ Wait to see if SB 716 gets overturned or of other State developments; or don't wait and if changes are significant, revisit (the group voted not to wait)
- ◆ Need more designated disabled spaces on-street
- ◆ Commuters with jobs and some other disabled placard holders downtown need accessibility more than free parking; it's different at a suburban mall where you actually get accessible parking; we could set an annual fee for a downtown permit
- ◆ Educate possible abusers; use Public Service Announcements
- ◆ Raise fines (the task force request has gone to the presiding judge as part of a larger package; if the judge does not approve the whole package, Nolan will resubmit just our request)
- ◆ Ask DMV to mail a reminder of rights and responsibilities with placards (placard applicants currently turn in the rules with their application)
- ◆ Put placard number on drivers license

- ◆ Publicize Portland hotline for abuse – 503-823-5195 – in the hope that some abusers will become fearful of being reported
- ◆ Articles in The Oregonian mentioned that no one checks the signature on the applications, and that accessibility (parking close to their destination) is what persons with disabilities are seeking; this week's article mentioned that 1 in 5 (20%) of retail core spaces were taken by vehicles with a disabled placard, and that it's a bad time for the City to raise rates

The group discussed attaching letters that had been sent and voted not to attach; however, all three of Joe's letters representing many persons with disabilities will be submitted by staff along with the recommendations report.

The group determined to meet one more time on Friday, March 13th, at 1:00-2:30. Ruth will set it up and email everyone.

Lisa Frisch stated that the minority report is ready to go.

Ruth Lane 3/3/09

DISABLED PARKING TASK FORCE

RECOMMENDATIONS

At the June 24, 2008, meeting, the Disabled Parking Task Force (DPTF) reached consensus on Companion Strategies and Legislative Issues. However, consensus was not reached on the recommendations to Portland City Council. Instead, the majority voted for specific recommendations and the minority expressed their own recommendations.

The charter agreed on by the DPTF states that a minority recommendation may be included. The following sections summarize each recommendation. City assessments of each are located in the Staff Report.

Summary of the Majority Recommendation

The majority recommends reinstating pre-SB 716 disabled parking permit privileges in conjunction with a one-year enhanced enforcement pilot program, with benchmarks for outcome measurements. The majority believes that permit abuse is the source of the problem and that an enhanced enforcement program will reduce current abuse and misuse and will adequately address the issue without any detrimental reduction in the disabled parking privilege. The majority believes the on-street parking privilege, as it existed prior to SB716, is essential to the full participation of all people with disabilities.

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Details of the Majority Recommendation (two-part approach)

1. Return to pre-SB 716 status

- Make Title 16 changes to allow parking at meters and zones of 30 minutes or longer for no fee and no time limit by displaying a regular disabled permit (extended through June 30, 2009, by Ordinance No. 182345, passed by Council 11/19/08)

2. Enhanced enforcement on invalid permits – One-year pilot program beginning upon Council direction

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Suggested steps for Enhanced Enforcement Solution

- Survey the number of valid permits and number of citations in high-use downtown areas (baseline; the "before" measurement)
- Prepare a quarterly schedule of strategic enforcement actions with a dedicated focus for each (media-worthy, such as education of medical

providers, increased fines, and stepped-up patrol) Enforcement strategies to include focus on:

- AM/PM commute times
- Areas of high permit use per existing surveys
- Prepare for strategic enforcement actions:
 - a. Upon approval of increased bail amounts, encourage media coverage
 - b. Educate medical providers through the media
 - c. Educate the public in general about the proper use of permits
- Seek Council approval for additional funding:
 - a. Stepped-up patrols (add 2 dedicated officers) to identify unlawful use of permits by area of concentration (downtown beats)
 - b. Distribute flyers on vehicles displaying disabled permits with information regarding SmartPark garage discounted rates
 - c. Develop new webpage
- Mid-point Measurement: Survey the number of valid permits & number of citations
- End-point Measurement: Survey the number of valid permits & number of citations
- Submit a report to the task force on survey results
- Reconvene a task force upon Council direction for further consideration of pilot program or alternatives

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Majority Report Supporting the Majority Recommendation

- The majority supports reestablishment of disabled parking permit rules and privileges as they existed in the City of Portland prior to the passage of SB 716. The majority does not support any changes that result in a reduction of the parking privileges or the reclassification of certain disabilities as proposed by SB 716.

- The majority does not support the minority proposal for four hour free parking with a disabled permit because they feel that would be a reduction in parking privileges for the disabled community and that it would not be effective.
- The majority supports the increase of fines for the misuse and abuse of disabled parking permits in both on-street and off-street settings.
- The majority believes that significant benefit can be gained through a concerted effort at outreach to both the general public and medical providers.
- The majority believes that the City should advocate for changes to the DMV procedures to include verification of disabilities and medical providers' signatures. They also want to discourage the issuance of 8-year duration permits after temporary permit expiration for nonpermanent disabilities.

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Summary of the Minority Recommendation

The minority supports implementation of 4-hour free parking per day per blockface with a disabled permit. The minority believes the City should amend Title 16 to make this change, which would require that Parking Enforcement would time vehicles with a disabled permit upon first arrival and again shortly after 4 hours have elapsed.

Details of the Minority Recommendation

- Create a new local program
- Prepare ordinance to change City Code Title 16
- Coordinate with Parking Enforcement Division, as they will need to time vehicles with a permit upon first arrival and again shortly after 4 hours have elapsed
- Develop public information campaign, including brochures, flyers, and changes to PBOT website.
- Conduct baseline and quarterly surveys to measure the impact on disabled parking accessibility and turnover.

Minority Report Supporting Minority Recommendations

- The minority believes that parking meters are designed to increase access to parking for everyone, including individuals with disabled parking permits, by encouraging turnover of the spaces. Turnover must be sufficient to ensure people coming into downtown can find parking spaces either on- or off-street to access their destination, otherwise they may be put off returning.
- The minority believes that the 4-hour limitation would allow disabled parkers to have access to on-street parking spaces as needed, with sufficient time to travel to and from their vehicles without fear of overtime parking.
- The minority believes their proposal will create increased turnover at parking meters. Over 20% of cars parked on the streets of downtown Portland display a disabled parking permit, while only 6% of the population city-wide have been assigned permits. There has been a 35% increase in the number of disabled parking permits issued by the state in the past few years.
- The minority believes parking costs must be shared fairly amongst all members of the community. Federal- and State-mandated disabled parking spaces in garages sit empty and the garage operators lose significant revenue on these unused spaces, while those with disabled permits continue to park on the street all day for free. They note that TriMet charges their customers with disabilities. By continuing to adhere to pre-SB 716 status, the City loses on-street parking revenue dollars.
- The minority cites benefits of this proposal to the business community in freeing up more short-term parking spaces on the street for use by downtown visitors.

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Submitted by
David Miller

ORS 447.233

(2)(a) The number of accessible parking spaces shall be:

Total Parking In Lot		Required Minimum Number of Accessible Spaces	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of "Wheelchair User Only" Spaces
1	to	25	1	-
26	to	50	2	-
51	to	75	3	-
76	to	100	4	-
101	to	150	5	1
151	to	200	6	1
201	to	300	7	1
301	to	400	8	1
401	to	500	9	2
501	to	1,000	2% of total	1 in every 8
accessible spaces or portion thereof				
1,001	and	over	20 plus 1 for each 100 over 1,000	1 in every 8 accessible spaces or portion thereof

Note:

- **Can on street parking be used as accessible parking to meet the required number of accessible spaces?**
- **Yes. But then it must meet the requirements of, ADAAG-Public Rights of Way and ODOT requirements for accessible on street parking.**

ORS 447.233

- **(b) In addition, one in every eight accessible spaces, but not less than one, shall be van accessible. Where five or more parking spaces are designated accessible, any space that is designated as van accessible shall be reserved for wheelchair users. A van accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.**
- **NOTE:**
- **Always the first parking space is 'van accessible' in Oregon, 9' parking space, 8' access aisle. The access aisle is provided on the passenger side.**

ORS 447.233

- **447.233 Accessible parking space requirements; inspection of spaces; violation.** (1) The Director of the Department of Consumer and Business Services shall include in the state building code, as defined in ORS 455.010, a requirement that the number of accessible parking spaces specified in subsection (2) of this section be provided for **affected buildings** subject to the state building code and that the spaces be signed as required by subsection (2) of this section. Spaces may also be marked in a manner specified in the state building code.

Affected Buildings

Defined In OSSC

- **AFFECTED BUILDINGS.** See ORS 447.210(1).
- ORS 447.210(1) is not a part of this code but is reproduced for the reader's convenience: **447.210(1)** "Affected buildings" means any place of public accommodations and commercial facilities designed, constructed and altered in compliance with the accessibility standards established by the Americans with Disabilities Act. "Affected buildings" also includes any government building that is subject to Title II of the Americans with Disabilities Act. "Affected buildings" also includes private entities, professional membership clubs and churches that have more than one building and more than 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top surface of the lowest flooring to the highest interior overhead finish of the building.

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ORS 447.233

- **(c) Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least six feet wide.**
- **(d) The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.**

ORS 447.233

- **(e) A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access and shall indicate that the spaces are reserved for persons with disabled person parking permits. A van accessible parking space shall have an additional sign marked "Van Accessible" mounted below the sign. A van accessible parking space reserved for wheelchair users shall have a sign that includes the words "Wheelchair User Only."**

ORS 447.233

- **(4) Parking spaces required by this section shall be maintained so as to meet the requirements of this section at all times and to meet the standards established by the state building code.**
- **(5) The director is authorized to inspect parking spaces and facilities and buildings subject to the provisions of this section, and to do whatever is necessary to enforce the requirements, including the maintenance requirements, of this section. Municipalities and counties may administer and enforce the requirements of this section in the manner provided under ORS 455.148 or 455.150 for administration and enforcement of specialty codes. All plans for parking spaces subject to the provisions of this section must be approved by the director prior to the creation of the spaces.**

ORS 447.233

- **(6) Requirements adopted under this section do not apply to long-term parking facilities at the Portland International Airport.**
- **(7) Any reported violation of this section shall be investigated by the administrative authority. The administrative authority shall make a final decision and order correction, if necessary, within 30 days of notification. Any aggrieved person may appeal within 30 days of the decision by the administrative authority to the appropriate municipal appeals board or, at the option of the local jurisdiction, directly to the Building Codes Structures Board established under ORS 455.132. The appeal shall be acted upon within 60 days of filing. The decision of the municipal appeals board may be appealed to the board. The board shall act on the appeal within 60 days of filing. All appeals to the board shall be filed in accordance with ORS 455.690. [1979 c.809 §2; 1981 c.275 §1; 1983 c.338 §930; 1987 c.187 §1; 1989 c.243 §15; 1991 c.741 §6; 1993 c.503 §8; 1993 c.744 §77; 2001 c.573 §5; 2007 c.468 §1]**

OSSC

- **1104.4.5 Shortest accessible route.** Accessible parking spaces shall be located on the shortest practical accessible route to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entries.
- Except as provided in Section 1104.3, where there are multiple parking facilities accessory to the same building, the accessible parking spaces required for all the parking facilities shall be located in the parking facility that provides the shortest practical accessible route. This requirement shall be met even where parking facilities are designated for different uses or users.
- Wherever practical, the accessible route shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route shall be a designated marked crossing with detectable warnings at each entrance to the crossing of vehicular traffic lanes.

OSSC

- **1104.4.3 Slope.** Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed 1 unit vertical in 50 units horizontal (2-percent slope) in all directions.

OSSC

- **1104.4.4 Surface.** Parking spaces and access aisles shall be firm, stable, smooth and slip resistant.

OSSC

- **1108.4.18 Parking garages. Group S, Division 2 parking garages shall provide accessible parking spaces in compliance with ORS 447.233 (1) through (7).**
- **NOTE: If the parking garage does not have an elevator or direct connection to another structure, then the required number of spaces must all be on the ground level.**