



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Disabled Parking Package (AB 824, 825, 828)

Testimony from Senator Jerry Petrowski and Representative Keith Ripp

March 4, 2014

The package of disabled parking legislation we will be discussing today are the result of several meetings with the Wisconsin Council on Physical Disabilities over the last year. The changes proposed are relatively modest, but will go a long way to address the issues they brought forward.

There are several individuals here today who will give you their personal accounts of the challenges faced by disabled individuals in accessing basic services. We need to address these issues now, and the growing urgency is driven primarily by two factors; the increased number of disabled veterans returning with serious physical impairments, and the rapidly increasing average age of our population.

According to a Department of Health Services study, between now and 2035 the percentage of our population who are over 65 will grow 68%; the portion of the population 85 and older the increase is 46%.

Many of the veterans returning home from Iraq and Afghanistan suffered profound injuries that would have been fatal in earlier conflicts. Depending on the nature of the injury they may only need access to a spot close to an entrance due to use of a cane, or they may need lift van accessible spaces to be able to accomplish daily tasks.

We have introduced a package of bills to address shortcomings in current law. Each bill addresses a different issue, though they are all related. This is an attempt to ensure these spaces are provided and the laws are adhered to.

AB 824 – One of the issues brought to us by the Council on Physical Disabilities is the lack of available personnel to provide needed enforcement even when violations are reported to local law enforcement. This bill would allow local governments, at their discretion, to use non-deputized staff or appointees to assist parking enforcement. The bill is left very open for local governments to decide if and how they will take advantage of this ability. In some areas, there are organized advocacy groups who may be engaged while others may use part time staff to augment enforcement. The method is also left open ended.

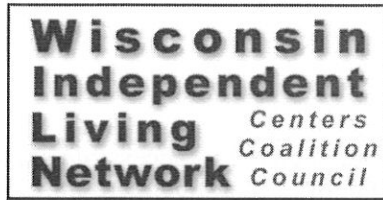
AB 825 – Current law allows penalties for illegally parking in a disabled parking space of between \$50 and \$300. While we all might hope that people would not park in these spaces

illegally by virtue of their own internal morals or the prospect of public embarrassment, this is not the case and the lower monetary fines have also not proven effective. This bill simply changes the minimum applicable fine for parking in a handicapped space from \$50 to \$150. The maximum fine remains at \$300.

AB 828 – Current law specifies requirements for providing a minimum number of disabled parking spaces in parking lots with 26 spaces or more. This bill creates an additional requirement that in facilities with four or more spaces reserved for disabled individuals, one of the four and 25% of any additional spaces be reserved and designed specifically for vehicles equipped with lift gates for wheel chairs. This means that one spot must be “lift van accessible only” rather than simply van accessible. These spaces must have an aisle adjacent to the parking place and be no less than 96 inches wide. We have heard from operators of these vehicles that they cannot use most of the standard spaces and are often stuck at the far end of the lot in order to be able to exit their vehicle. They then sometimes come out to find someone parked next to them and they can no longer get back into their vehicle.

The bill requires that a lot must only be brought into compliance when it is initially constructed, reconstructed, resurfaced, or repainted. We will be offering an amendment to the bill that changes “repainted” to “seal coated.” This will ensure that we are not placing undue hardship on businesses with existing parking facilities.

The amendment will also add language from AB 826 that would address the following issue. While there is no provision in the law now as to any formal “grandfathering” clause, there is no functional trigger as to when a lot must be brought into compliance. The amendment to AB 828 will provide that a lot must be brought into compliance when it is initially constructed, resurfaced, or seal coated. This will ensure that parking lots are brought into compliance without placing undue hardship on businesses with existing parking facilities by requiring the upgrades to be made when the lot surface is being replaced anyway.



Wisconsin Independent Living Network
3810 Milwaukee Avenue
Madison, WI 53714

March 3, 2014

Representative Keith Ripp, Chairman
Transportation Committee
Wisconsin Assembly

Dear Representative Ripp:

I am writing to you to express our support for and some concerns about a group of bills which address accessible parking regulation, enforcement, signage and capacity in Wisconsin, specifically; AB-824, AB-825, AB-826, AB-827 and AB-828. We understand the importance of the issue which these bills address and wish to thank you the bills' sponsors for the attempt to remedy long-standing problems which have limited the ability of our friends and neighbors with disabilities who are eligible for disability parking privileges to effectively take advantage of those privileges in order to carry out their business in our communities.

As you and the authors are no doubt aware businesses across the state are required by the Americans with Disabilities Act (ADA) to provide accessible parking to their customers with disabilities. However, inconsistencies within Wisconsin law have at times confused and in some cases blocked enforcement of regulations intended to support these requirements. This has at times meant that those intended to benefit from these policies are in fact denied the parking the need.

We wholeheartedly support AB824, AB825, AB826 and AB827 and urge their passage into law.

- AB824 will facilitate local enforcement by providing municipalities with the ability to use other than law enforcement personnel to enforce disability parking restrictions, thereby reducing local enforcement costs and removing this task from the duties of already overworked law enforcement personnel.
- AB825 increases the minimum forfeiture for violators of these regulations, making it far less attractive to potential violators who may—without stiff penalty—have chosen to park in an accessible parking spot to which they are not entitled.

- AB826 clarifies the number and type of accessible parking spaces required for businesses with parking facilities thereby creating more consistent and in some cases increased capacity for accessible parking available in our communities. Specifically, the bill clarifies the standard for the number and type of spaces required stating that the International Building Code (IBC) standards should be followed. In addition this bill repeals exceptions which have to do with construction and resurfacing.
- AB 827 addresses loopholes and inconsistencies which have allowed cited individuals to have their citations dismissed even though they violated their community's accessible parking regulations. The result has been that fewer accessible parking spaces are available. This bill would allow businesses to use any sign of sufficient size with the accessibility symbol and, a notation that the parking spot is "van accessible", while continuing to allow DOT to establish standards for signs used on roads or public parking facilities.
- AB828 would require smaller parking lots to have van-accessible parking available. While we support the intent; to provide people who use lift-equipped vans access to businesses with smaller parking lots, we are concerned that the requirement to have 25% of accessible parking spaces to be van-accessible if four or more spaces are required, may be in conflict with AB826 which requires that IBC standards be followed. IBC standards require that at least one or 1/6 of required spaces be van-accessible. An additional portion of this bill requires that van accessible spaces be identified as "lift van accessible only" and that the sign comply with the manual of uniform traffic control devices. We are concerned that this may be in conflict with AB827 which requires a different standard for signage.

Once again, we thank the authors and the committee for addressing a long-standing problem that has limited access to accessible parking in our communities for its intended users. These changes proposed in the bills before you combine to make Wisconsin's accessible parking regulations clearer and more consistent and ease enforcement and so that our friends and neighbors who require accessible parking spaces may enjoy the access to our communities to which they are entitled.

Sincerely,



Bob Olsgard, Chair
WILN Transportation Advocacy Committee



Survival Coalition

of Wisconsin Disability Organizations

101 East Wilson Street, Room 219, Madison, Wisconsin 53703
Voice: 608/266-7826 Fax: 608/267-3906

To: Hon. Keith Ripp, Chairperson
Assembly Committee on Transportation
Honorable members of the
Assembly Committee on Transportation

Fr: Survival Coalition Co-Chairs
Kit Kerschensteiner, Disability Rights Wisconsin
Maureen Ryan, Wisconsin Coalition of Independent Living Centers, Inc.
Beth Swedeen, Wisconsin Board for People with Developmental Disabilities

Re: Assembly Bills 824, 825, 826, 827, 828

The Survival Coalition would like to thank the sponsors of the bills to address problems with parking for people with physical disabilities. The Survival Coalition supports AB-824, AB-825, AB-826 and AB-827. While we understand that the intent of AB-828 is to address parking shortages for people who use lift-equipped vans, we urge the Assembly to reconsider how this bill would affect the other bills and amend it before passing it.

People with disabilities that make them eligible for disability parking privileges often cannot find the parking places that would allow them to shop, attend church and meet their other needs. Changing current law that imposes barriers to effective enforcement or confusing requirements for businesses results in less parking suitable for people with disabilities. These bills address the problems

AB-824 would give Wisconsin municipalities more options for enforcement of parking restrictions that reserve parking for people with disabilities on private property.

AB-825 would subject violators to larger minimum forfeitures. People would have more incentive to park legally (elsewhere) and refrain from blocking reserved parking.

AB-826 would require businesses that offer parking to provide proper pavement markings with the right number of spaces when they construct, resurface or reseal their parking facilities. It would adopt a standard that is consistent with that required by the Americans with Disabilities Act (ADA). This would include a requirement for a minimum number of spaces for lift-equipped vans. The bill also addresses confusion about requirements by modifying the "certification of compliance" businesses file to cover parking areas.

People ticketed for parking illegally in spaces reserved for people with disabilities have had citations dismissed because the sign did not meet Department of Transportation sign requirements. These requirements are set to ensure that road signs, including signs regulating on-street parking, around the state are uniform.

Businesses trying to do what is right often buy disability parking signs from hardware stores and other local businesses which sell signs. Many of the signs purchased this way fail to meet all of the requirements of Department of Transportation sign rules.

AB-827 addresses this concern by allowing businesses to use any sign of sufficient size with the accessibility symbol and, as applicable, a notation that the parking spot is "van accessible." AB-827 continues to allow Department of Transportation to establish standards for signs used on roads or public parking facilities.

AB-828 addresses a shortage of parking for lift-equipped vans under current Wisconsin law. Current exceptions provide no requirement for smaller parking lots. People who use vans due to a disability are often unable to shop at businesses with small parking lots due to lack of usable parking. The bill would address this concern by requiring at least 25% of accessible parking spaces to be van-accessible if four or more spaces are required. It would also require that businesses identify van-accessible spaces as "lift van accessible only" with a sign complying with the DOT rules ("manual of uniform traffic control devices").

Survival Coalition is concerned about the language to implement both provisions. While we appreciate its intent, the bill would require a number of van-accessible spaces that is inconsistent with the ADA and International Building Code. Moreover, the language addressing signs for these parking spaces would undo the better language provided by AB-827.

* * *

Survival Coalition is comprised of more than 30 statewide disability organizations that advocate and support policies and practices that lead to the full inclusion, participation and contribution of people living with disability.



1 WEST WILSON ST, ROOM 527
POST OFFICE BOX 7851
MADISON, WI 53707-7851

State of Wisconsin Council on Physical Disabilities

Voice: 608-261-7816
Fax: 608-266-5629
www.pdcouncil.state.wi.us

March 4, 2014

Representative Ripp, Chair
Transportation Committee
Wisconsin Assembly

Dear Representative Ripp and Transportation Committee Members:

Thank you for providing this hearing opportunity for the Council on Physical Disabilities and others to testify in support of Assembly Bill 824; Assembly Bill 825; Assembly Bill 826; Assembly Bill 827 and Assembly Bill 828 requirements for "lift van accessible only" signage.

One only needs to travel through the parking lot of a shopping center, supermarket, popular restaurant, or big-box store to see the increased number of accessible parking spaces being occupied. Sometimes seeing individuals with accessible vans parked across two non-accessible parking spaces in the back of parking lots, because the designated van accessible parking spaces are being used by legally parked cars with disabled license plates or hang tags, indicating that there are simply not enough designated accessible parking spaces.

With the aging of our population will come a new population of individuals who will be aging and acquiring physical disabilities from such diseases as arthritis, stroke, COPD, and heart disease. The population of individuals with physical disabilities over age 65 will significantly increase the number of people applying for and receiving disabled license plates or hang tags. Returning veterans with physical disabilities and new medical procedures are keeping people with physical disabilities living and living longer.

This growing population of individuals with physical disabilities will benefit from the legislation that the Council on Physical Disabilities is here to support. This legislation includes AB 824; AB 825; AB 826; AB 827 and AB 828. We thank the sponsors for their efforts to develop the legislation to improve access to accessible parking for people with physical disabilities.

Businesses across the state are required by the ADA to provide accessible parking to their customers and tenants. However, there are inconsistencies in Wisconsin, beginning with the requirements for the sign that designates accessible parking spaces. Current

Wisconsin law regarding signage creates difficulties with enforcement of illegally parked vehicles.

Businesses often buy disability parking signs from hardware stores and other local businesses which sell signs that do not meet all of the requirements of Department of Transportation (DOT) rules for official parking signs. The Council on Physical Disabilities has received complaints that when the sign does not comply with DOT requirements for official parking signs individuals have been able to avoid the ticket because the sign was not in compliance. This results in fewer spaces available to permit-holders.

The Council on Physical Disabilities enthusiastically supports Assembly Bill (AB) 827 which provides the statutory requirements that allow businesses to use any sign of sufficient size with the accessibility symbol and, as applicable, a notation that the parking spot is "van accessible."

The ADA states the following rules that need to be followed while posting accessibility signs in designated areas -

1. The international symbol of accessibility should be posted on all accessible parking spaces marking the reserved spot. The accessibility symbol is the well-known picture of a person using a wheelchair on top of a blue background.
2. Van-accessible parking spaces to have additional 'text' or 'sign' below the accessibility symbol to mark the van-accessible area specifically.
3. Signs should be placed at such a height (at least 60 inches above surface) that they do not get obscured by any parked vehicles or other obstructions. [ADA handicap parking signs](#) (commonly known as Access Signs) posted must be viewable from the drivers' seat of the vehicle and located right in view of parking spaces.

These new requirements in AB 827 are consistent with the ADA reserved parking signs need to include the International Symbol of Accessibility (ISA) – a blue sign with a man on a wheelchair. In addition, specifically for van-accessible parking spots, the ISA symbol needs to be supplemented with 'van-accessible' text or sign.



As identified above the Access Board's ADA Accessibility Guidelines (ADAAG) specify the content, symbols and contrast on the signs but not a fixed color or size. Local or State jurisdictions may address these particulars, if any and AB 827 continues to allow DOT to establish standards for signs used on roads or public parking facilities.

Wisconsin law currently requires law enforcement officers to ticket illegally parked cars on public or private property. Unfortunately, in many municipalities law enforcement

does not have sufficient resources to ticket all violators who choose to park illegally in designated accessible parking spaces for people with physical disabilities who have the proper license plates or hang tag.

AB 824 addresses this by allowing municipalities to designate other employees to enforce disability parking restrictions. In addition, spots designated for disability parking are often used or blocked by people who are not entitled to disability parking privileges. The Council on Physical Disabilities enthusiastically supports AB 824 requirements to allow municipalities to designate other employees to enforce disability parking restrictions.

The Council on Physical Disabilities strongly supports AB 825 which provides statutory authority to increase the minimum forfeiture for violators to \$150-\$300.

Businesses that offer parking often modify or restripe their parking facilities without understanding or meeting state and federal requirements, which results in a lack of sufficient spaces designated for people with disabilities, including a lack of spaces sufficient for use of lift equipped vans.

The Council on Physical Disabilities enthusiastically supports AB 826 which addresses these concerns by clarifying that parking areas should meet the number required by International Building Code (IBC) standards for parking facilities. Businesses are not required to bring their parking lots to the new IBC requirements until a parking area is "constructed, or resurfaced or to which a seal coat is applied"

AB 826 also addresses confusion about requirements by modifying the "certification of compliance" businesses file to cover parking areas.

In addition, AB 826 will require smaller parking lots, with 1 to 25 to have van-accessible parking. The Council on Physical Disabilities supports AB 826 because it will address these concerns by clarifying that parking areas should meet the number required by IBC standards for parking facilities, the new requirements will require a parking lot with 1 to 25 spaces to provide one accessible parking space and that parking space must be accessible. To protect businesses, they are not required to comply until a parking area is "constructed, or resurfaced or to when a seal coat is applied"

To ensure that people with physical disabilities who require the use of a van with lift or ramp have access to accessible Van parking the Council on Physical Disabilities supports AB 828 requirements that at least a percentage of accessible parking spaces designated as van-accessible be further restricted with signage that indicates "lift van accessible only."

However, the Council on Physical Disabilities believes that AB 826 and AB 827 provide better language to ensure the need for properly designating the number and design of accessible parking spaces, including van accessible parking. The Council on Physical Disabilities believes that there is a possible conflict with the requirements in AB 828 regarding the requirements for parking spaces and signage and stress that the requirements of AB 826 and AB 827 requirements replace the requirements in AB 828.

The Council on Physical Disabilities supports AB 828 requirement that a percentage of van accessible spaces be identified as "lift van accessible only", which the Council on Physical Disabilities supports as an effort to ensure that people in vans with a lift or ramp have access to accessible Van parking spaces and not be put in harm's way.

Oftentimes, as identified earlier in our testimony people with vans with lifts or ramps are relegated to taking up two standard parking spaces near the back of the parking lot to ensure that they are not locked in by another vehicle. This oftentimes requires people in wheelchairs to negotiate between vehicles in parking lots, without access to a proper designated path of travel, putting the individual in the wheelchair at risk of injury. This occurs because there are no restrictions on other vehicles parking in van accessible parking spaces. Having access to a designated van accessible parking space for people with physical disabilities who use lift equipped or ramped vans is a critical need.

The Council on Physical Disabilities supports the language in AB 828 that would require a number of the van accessible parking spaces to be further designated as "lift van accessible only"

The Council on Physical Disabilities identified problems with access to accessible parking in Wisconsin for people with physical disabilities who require designated parking spaces for people with disabilities. The Council on Physical Disabilities now has five pieces of legislation that will when passed and signed into law improve access to accessible parking.

Thank you everyone.

Benjamin Barrett, Chairperson



WISCONSIN BOARD FOR PEOPLE
WITH DEVELOPMENTAL DISABILITIES

March 4, 2014

Assembly Committee on Transportation
Representative Keith Ripp, Chair
State Capitol, Room 223 North
Madison, WI 53708

Dear Rep. Ripp and Committee Members:

Thank you for the opportunity to comment on this package of proposed bills (AB 824, 825, 826, and 828) to improve parking for people with disabilities.

Like all Wisconsin residents, people with disabilities need to get to work, run errands, go to medical appointments, visit friends, and participate in community events. People with disabilities have places to go, but sometimes their difficulties start when they get there and try to park. These bills address some of the practical problems drivers with disabilities encounter routinely.

Some of the typical issues we hear about that occur across the state on a daily basis include the following:

- **Creating dangerous situations for people with and without disabilities.**

When there are no accessible parking spots that have the space necessary to accommodate a lift, people with disabilities are forced to be creative in order to get in and out of their vehicle. For example, unloading in a driveway—which can put a wheelchair at risk of toppling or getting stuck—rather than a designated lift space, temporarily blocking a public street/traffic in order to use the lift, or taking two regular parking spots to have the space to get in and out of a van (which increases the potential for a car in the process of parking adjacent to the van hitting a lift in the process of coming down). Sometimes the space needs of the lift may force drivers to park in regular parking spots farther away from their destination, and then cross parking lots or streets where they run the risk of other drivers not expecting or being able to see a wheelchair.

- **Lack of parking enforcement, especially on private property**

People with disabilities may arrive at their destination only to find designated spaces already filled by cars that do not have parking permits. The sentiment that we hear from people with disabilities is that there are no consequences for unauthorized cars squatting in spots designated for people with disabilities. Parking enforcement seems especially lax on private property. Law enforcement patrols public streets and ramps, but unless parking violations are reported to the police and they can respond before a violator drives away, no citation is issued. Designating additional municipal employees with the ability to enforce parking violations in the accessible parking spots is a positive step. We would encourage expanding the bill to empower entities like private security, business owners, property/apartment managers with the ability

to enforce parking violations in the accessible parking spots that they maintain. This would go a long way towards improving enforcement and deterring violations.

- **Accidental parking in lift accessible spots by smaller vehicles with accessible permits**

Currently, larger parking spots that have been designed to accommodate lifts are not labeled as "lift accessible" and are frequently located adjacent to other, smaller accessible parking spaces that cannot accommodate lifts. Sometimes people with disabilities who do not need a lift accessible space will inadvertently park in the spot reserved for vehicles with lifts, leaving those who need the larger lift-accessible space with no place to park. We understand that this bill conflicts with IBC/ADA regulations. One possible fix for this would be to allow a business to create an accessible parking space in addition to those required under IBC/ADA regulations that is marked for "accessible lift-van priority".

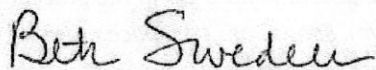
- **Time management consequences**

When people with disabilities have to park farther away or use spots that are not designated for those with disabilities, they can end up having to navigate through less accessible terrain and being late for appointments. Especially for lift vans that have parked in two regular spaces, people with disabilities may return to their vehicles to find themselves "parked in" (i.e. no room to use the lift to enter their vehicle due to another car parking in the adjacent space).

In Wisconsin, a total of 645,886 residents are people with disabilities. These bills offer solutions to real-world problems that people with disabilities face every day. We strongly support these needed improvements, and thank the Legislature for their attention to detail. These relatively small changes to state law can make a big difference in the lives of people with disabilities.

The Wisconsin Board for People with Developmental Disabilities (BPDD) is comprised of and represents people with developmental disabilities such as brain injury, autism, cerebral palsy, epilepsy, Prader-Willi syndrome, and intellectual disability, and is charged. Sixty percent of the board—appointed by the Governor—are people with developmental disabilities or family members of people with developmental disabilities.

Thank you for your consideration,



Beth Swedeen, Executive Director
Wisconsin Board for People with Developmental Disabilities

To: Representative Ripp, Chair, and members of the Assembly Committee on Transportation
From: Alicia Boehme, Disability Rights Wisconsin
Date: March 4, 2014
Re: Accessible Parking Bills AB824, AB825, AB826, AB827, AB828

Disability Rights Wisconsin is the statewide protection and advocacy agency for people with disabilities in Wisconsin. We provide advocacy services and are a resource for people with disabilities in Wisconsin.

Over the past 10 years as an advocate for people with disabilities on the Civil Rights Team, I have spoken to a number of people with disabilities about their parking concerns. Accessible parking in Wisconsin is in need of legislative attention and this series of five bills attempts to correct some common problems that are occurring across the state. Thank you for your time and attention to this topic.

AB824 allows municipal employees to issue parking tickets to people who park illegally in accessible spaces. Disability Rights Wisconsin over the years has received calls from many frustrated individuals who cannot park in accessible spaces because they are taken by non-disabled drivers. This often results the driver with a disability leaving frustrated without attending a community event or purchasing items at a local business. It can be a difficult and elusive problem to address because the police are often not able to respond in a timely way and/or the person with the disability is not able or willing to wait for someone to respond. Expanding the law to allow all municipal employees to issue parking tickets will provide flexibility and a larger pool of people to address these common violations. One way to improve the bill is to expand the bill to allow a municipality to deputize a non-employee such as private security officer to issue tickets.

On the flip-side of the coin, AB825 increases the minimum ticket for parking illegally in an accessible space from 50 dollars to 150 dollars. By increasing the penalty for parking illegally we are hopeful that the violator will be less likely to repeat the offence because the cost of the ticket is high enough to make them think twice. Taken together, we believe that AB824 and AB825 work hand in hand to decrease the number of these violations across the state.

Current state law is inconsistent with federal standards for accessible parking. This is confusing to businesses. AB 826 addresses this by clarifying the requirements under the state law to ensure that accessible parking spaces comply with International Building

Code (IBC) standards, and are required when a parking lot is constructed, resurfaced, or re-sealed.

Currently, businesses that post signs that do not meet Department of Transportation (DOT) sign specifications provide an “out” for people who park illegally in these spaces because tickets can be dismissed in court if the sign did not meet DOT standards. This loophole is smartly corrected in AB827 by allowing municipalities to use a wide range of signs that meet the general requirement of being at least 25 square inches in area, that use the accessibility symbol, and the word “van accessible” if relevant. Closing this loophole will help businesses keep these spaces open for customers who need to use them, and will allow judges to enforce the illegal activity.

The final bill, AB828, attempts to address the real problem of a non-lift vehicle parking taking the lift-accessible space. This bill requires that if there are four or more accessible parking spaces, that at least 25 percent must have an accessible isle of at least 96 inches and must have a sign that says “lift-van accessible only”. DRW is concerned, however, that this will cause confusion among drivers with disabilities because it is unclear if a person with accessible parking privileges—but who does not own a van with a lift—is allowed or is not allowed to park in that space. If indeed people with accessible parking privileges who do not own a lift-van are not allowed to park in “lift-van accessible only” spot, this would conflict with both IBC and ADA standards as well as AB826. DRW supports bill language that is consistent with national accessible parking standards and the language in AB826. One way to meet this requirement would be to allow businesses to create an accessible parking space in addition to those required under IBC/ADA regulations that is marked for “accessible lift-van priority”.



Independent Living Council of Wisconsin, Inc.
3810 Milwaukee Street • Madison, WI 53714
Voice: 608-256-9257 • Toll-free: 866-656-4010
TTY use 711 Relay • Fax: 608-256-9301
ilcw.il-wisconsin.net

March 4, 2014

Hon. Keith Ripp, Chairperson
Assembly Committee on Transportation
Honorable members of the
Assembly Committee on Transportation

Re: Assembly Bills 824, 825, 826, 827, 828
Parking for people with physical disabilities

Dear Rep. Ripp and Committee Members:

The Census Bureau estimated that more than 303,000 Wisconsinites have a disability due to difficulty getting around. Population experts project that this number will continue to increase over the next two decades as baby-boomers enter retirement age.

Wisconsin law has provided special parking privileges for people with disabilities limiting their ability to walk for more than two decades. However, the law governing these privileges needs updating due to problems people experience. We thank Rep. Ripp and Sen. Petrowski for their work in drafting and sponsoring these bills to address the problems. ILCW provides this testimony for informational purposes only.

Wisconsin law recognizes the difficulty some of our citizens experience walking. In order to allow them the ability go shopping, go to church and do the other things they need to do, we provide for special parking near entrances to businesses. In addition, the ADA requires businesses across the state to provide accessible parking to their customers and tenants.

Members of the disability community have contacted their representatives because the reserved parking can be inadequate for a number of reasons. In some cases, there are inconsistencies between the ADA and Wisconsin law that confuses the obligations of businesses. In addition, some provisions of Wisconsin law makes it difficult to enforce the law. These factors often result in lack of parking for those who need it.

Issuing tickets

Wisconsin law currently requires law enforcement officers to ticket illegally parked cars on private property. Unfortunately, law enforcement officers often have higher priorities for their attention. This often means that violations do not get enforced.

AB824 addresses this issue by allowing municipalities to designate other employees to enforce disability parking restrictions. A number of Wisconsin cities and villages have trained employees who work exclusively on parking enforcement. AB824 would allow these employees to issue tickets for illegal users of disability parking.

Increased minimum fines

Observers note that people who are not entitled to use spots designated for disability parking often do so or block the spots. AB825 addresses this by increasing the minimum forfeiture for violators.

Marking spots properly

There are two ways improper marking of spots creates difficulty for parking by people with disabilities. One way involves the way parking lots are marked with stripes. This issue is addressed by AB826. The other way involves the requirement for a sign indicating that a spot is reserved for parking by people with disabilities. This issue is addressed by AB827. Both ways lead to insufficient parking for people with disabilities.

Pavement lines

The ADA includes requirements for parking spaces for public accommodations. These requirements are generally consistent with the International Building Code, adopted by Wisconsin for public buildings and places of employment. Unlike the ADA, however, Wisconsin law currently does not require businesses with fewer than 26 parking spaces to designate any of them for parking by people with disabilities. This creates confusion that may result in lack of parking.

Wisconsin law currently does not require following current law when a business modifies its parking facility or restripes a lot. This creates another item of confusion that may lead to failure to meet legal requirements and deny parking opportunities.

In addition to causing a general lack of spaces for people with disabilities, improper marking often creates a particular issue for people who use a lift-equipped vans or other vehicle with special equipment requiring extra space. When there are not enough "van" spaces, people who use these vehicles must often park far away from an entrance and use two parking spaces so they have enough space to get in and out of their vehicle.

AB826 addresses these concerns by clarifying that parking areas should meet the number required by code (IBC) standards for parking facilities, repealing exceptions, when a parking area is "constructed, or resurfaced or to which a seal coat is applied." The bill also addresses confusion about requirements by modifying the "certification of compliance" businesses file to cover parking areas

Signs

The Department of Transportation has established rules for signs used to mark parking spots reserved for people with disabilities. They need to do this because Wisconsin uses a uniform system of road signs, including those used to mark on-street parking. Current law requires these official signs for all purposes in order for law enforcement officers to ticket a person parking in a reserved spot.

Unfortunately, businesses often buy signs to mark their designated disability parking spots from hardware stores and other local businesses. These businesses sell signs that do not always meet the requirements of DOT rules for signs.

While these businesses are posting their parking spaces in good faith, that is often not enough. We have been aware that people ticketed for illegal parking sometimes get their citations dismissed because the sign did not meet the requirements required under current law.

When people who do not need special parking privileges park in spots reserved for those who do, it contributes to the shortage of spaces available to permit-holders. AB827 addresses this concern by allowing businesses to use any sign of sufficient size with the accessibility symbol and, as applicable, a notation that the parking spot is "van accessible." The bill continues to allow DOT to establish standards for signs used on roads or public parking facilities.

Van spaces

Some people with disabilities require special equipment to get in and out of their vehicles. Equipment like lifts of various types and ramps often takes extra space to use. Unfortunately, there are often not enough "van" spaces to accommodate all of those who need the space.

This difficulty is made worse by two common occurrences. People who have a disability permit can park in any disability space, whether reserved for vans or not. In addition, smaller parking lots often do not have any spaces large enough for those who need special equipment to get in and out of their vehicles. People who use lift-equipped vans or other specialty equipment due to a disability are often unable to shop at businesses with small parking lots due to lack of usable parking. The ADA addresses these needs by requiring larger spaces to meet the need. At least one space or one-sixth of all reserved parking spaces meet the larger "van" space requirements.

AB828 addresses this concern in a different way. It would require at least 25% of accessible parking spaces to be van-accessible if four or more spaces are required. You should note that this is more spots than required under the ADA or International Building Code (IBC), although the IBC requirements are adopted under AB826.

AB828 also requires that van accessible spaces be identified as "lift van accessible only" and that the sign complies with the manual of uniform traffic control devices. This requirement conflicts with the standards that would be adopted under AB827. While addressing the shortage of spots for lift-equipped vans is laudable, it would be unfortunate to adopt conflicting standards to do so.

The Independent Living Council of Wisconsin is a Council established by the Governor to plan for services to meet the Independent Living needs of people with disabilities. The Council has identified needs related to transportation and provides this testimony to provide information to your committee in the hope that it helps you with your deliberations.

We stand ready to provide any further information that might help you.

Independent Living Council of Wisconsin, Inc.

By:

Mike Bachhuber, Executive Director