

# **BOB KULP**

STATE REPRESENTATIVE • 69<sup>TH</sup> ASSEMBLY DISTRICT

To: The Assembly Committee on Transportation and the Senate Committee on  
Transportation and Veterans Affairs  
From: Rep. Bob Kulp  
Re: AB 651 and SB 547

Date: January 30, 2018

Mr. Chairman and Mr. Chairman, members of the committees, thank you for giving us some time today to discuss this bill with you.

Until I met Barbara Welch, I had never heard of a condition that could make a person so sensitive to allergens and microorganisms that simply sitting on a public bus seat is likely to make her sick. But then I met Barbara, and I read the letter from her doctor that you all have in front of you now.

Barbara will testify here soon, and can tell her story much better than I can. Let me explain a little about how we're trying to help.

The problem is that Barbara is no longer allowed to stand on the human services bus. In practice, this means she can't ride the bus, which places serious limits on her ability to care for herself. The county is, rightly, concerned about passenger safety and about their own liability, but refusing Barbara's request to stand – and as a result denying her access to the human services bus – could also place them in violation of the Americans with Disabilities Act. It's a difficult spot that we're hoping to get them out of with this bill.

Department of Transportation rules seem clear: the bus drivers are required to make sure everyone is sitting down when the bus is in motion. But DOT rules also contain an exception for "chaperones or monitors in the performance of their duties." The word "monitors" isn't defined, and by the phrasing in the rules it would seem to indicate a second party: if there is a monitor, then there would also have to be another person being monitored. Yet, as you see in the letter from Barbara's doctor, Barbara is expected to self-monitor her own condition.

So we think that we can interpret this to mean Barbara is a monitor, and should therefore be allowed to stand. But that's not clear in the rules and Wood County is understandably hesitant to see it that way. So the bill before you simply extends that exception to people who can't sit due to a medical condition. Enacting this change will give Barbara the ability to use the human services bus system, and will allow the county to comply fully with the ADA.

Thank you for your attention to this bill, and I'm happy to answer any questions.

REPRESENTING WISCONSIN'S 69<sup>TH</sup> ASSEMBLY DISTRICT



WISCONSIN BOARD FOR PEOPLE  
WITH DEVELOPMENTAL DISABILITIES

January 30, 2018

Assembly Committee on Transportation  
Representative Spiros, Chair  
State Capitol, Room 15 North  
Madison, WI 53708

Dear Representative Spiros and members of the committees:

Thank you for the opportunity to provide comment on AB 651. The Wisconsin Board for People with Developmental Disabilities' (BPDD) analysis of this bill concludes it will improve accessibility and offer accommodations compliant with the requirements of the Americans with Disabilities Act (ADA) for individuals with disabilities. BPDD supports this AB 651.

BPDD appreciates the Department of Transportation's work with the legislature to develop language that conforms with ADA accommodations requirements. The current rule prohibits standing in a human services vehicle by passengers and does not allow for exemptions under any circumstances. The proposed addition clarifies that individuals who have medical conditions that prevent them from sitting may be permitted to stand.

This small but important change ensures that people with disabilities can access and use human service vehicles, even if they must stand to ride.

As part of the legislature's ongoing review of administrative rules, we encourage state agencies and legislators to continue to assess whether rules meet ADA requirements and if not, are revised to ensure access and accommodation by people with disabilities.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities.

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen".

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



# Marshfield Clinic®

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**Internal Medicine**  
1000 North Oak Avenue  
Marshfield, WI 54449-5777

January 16, 2018

RE: Barbara Welch  
MHN: [REDACTED]  
DOB: 05/04/1955

**To Whom It May Concern:**

I am Barbara Welch's primary care physician. Ms Welch has the following diagnoses. She has a diagnosis of chronic fatigue syndrome, fibromyalgia, environmental sensitivities and allergies. The things that she is allergic to and sensitive include microorganisms as well. The chronicity of the above illnesses has been well-documented in her medical record and she is considered permanently disabled because of these chronic problems.

She must self-monitor for immediate and acute symptoms that occur from the above mentioned chronic illnesses particularly the immediate and acute symptoms that occur from her sensitivities to microorganisms. This self-monitoring and then voiding of surfaces in the organisms helps her minimize and decrease complications to her general medical health.

Because of the above problems, this has made it difficult for Ms Welch to obtain public transportation. She needs to be able to remain standing when she is transported to avoid the negative impact from contact with either seatbelts or cushions or other surfaces when she receives public transportation so she can self-monitor and avoid complications that would cause problems to her health when she is exposed to chemicals and microorganisms that she appears to be chronically allergic and sensitive to.

If you require further information in regard to medical conditions and problems, please do not hesitate to contact my office. With her consent, I would be willing to give you more information with regard to the above mentioned medical problems.

Sincerely,

Wayne Thorne MD  
Internal Medicine

WT:sms