

## **HB 31**

### **Proponent Testimony**

#### **Ohio House Transportation and Public Safety Committee**

**Kathryn Shelley**

**Disability Rights Advocate, The Ability Center of Greater Toledo**

Chairman Baldrige, Vice Chair McClain, Ranking Member Sheehy, and members of the House Transportation Committee, thank you for the opportunity to provide Proponent Testimony on HB 31. My name is Kathryn Shelley, and I am a Disability Rights Advocate with The Ability Center of Greater Toledo, a Center for Independent Living serving seven counties in Northwest Ohio. The mission of The Ability Center is to advocate, educate, partner, and provide services that support people with disabilities to thrive within our communities. We believe that HB 31 has the potential to help people with disabilities to thrive within the communities that they live in.

On behalf of The Ability Center of Greater Toledo, I urge you to support HB 31 in order to update and improve Ohio's current accessible parking law. HB 31, if enacted, will make several changes to current state law that will positively impact the overall access to the community for individuals with disabilities.

The changes proposed to ORC 4511.69 through this legislation make changes to accessible parking. A few of the changes that have the potential for particularly positive and substantial impacts to the disability community include:

- Accessible parking must be kept obstruction free – Any obstructions surrounding accessible parking can create additional barriers to exiting and entry of a vehicle for an individual with a mobility disability. The addition of this language will help to ensure that when snow removal is taking place, accessible parking and the required access aisle between parking spaces will not be obstructed.
- Drivers can be ticketed for parking in an access aisle – The access aisle is an important component of an accessible parking space. If an individual's vehicle has a lift or ramp, the access aisle provides the extra room to allow for the lift or ramp to be deployed and assist the individual to enter or exit his or her vehicle. In situations where people park in the lined access aisle, it prevents the individual who needs to use the lift or ramp from entering or exiting his or her vehicle. Furthermore, access aisles do not only benefit those with modified vehicles – individuals with disabilities who do not have modified vehicle, including those individuals using any type of mobility device, may need to utilize the extra space in order to safely enter and exit their vehicle. A lack of access to the access aisle is not just an inconvenience for a person with a disability, it can have a negative impact on the ability to travel within their community – i.e. to work, school, medical appointments, etc.

- Local municipalities can increase enforcement – Allowing law enforcement to enforce existing laws is an important component of this legislation. The process of having to wait to observe the individual driver in order to write a citation greatly limits the ability of police officers to enforce the law . Other violations of state law do not have this limitation. A vehicle clearly in violation of the law must be allowed to be ticketed immediately. This will allow for greater enforcement will have the effect of limiting future infractions.
- Drivers can be ticketed for blocking curb cuts – An accessible parking spot can increase access to persons with disabilities, but all other components of an accessible route to a business or entity must also be barrier-free to allow for full access and participation. If a curb cut is obstructed, an individual with a mobility impairment will be unable to access goods or services.
- Trained and certified volunteers can help with enforcement – Trained volunteers can assist law enforcement in the effort to ensure individuals with disabilities have access to their community. Texas is one state that has implemented a volunteer enforcement program, and Houston provides a recent example of the program’s success<sup>1</sup>. Many individuals with disabilities can become part of these volunteer efforts, and would be glad to do so, since they have personal experience in understanding the need for accessible parking.
- Fines will create more opportunity for adaptive recreation – Having funds raised by the fines incurred by the violation of the civil rights of persons with disabilities go back to the disability community in the form of increased adaptive recreation programs will have a positive statewide impact. While some programs and adaptive sports exist across the state, more opportunities for such programs, especially for youth with disabilities, will have long-lasting positive impacts.

Since the passage of the Americans with Disabilities Act in 1990 – thirty years ago – the disability community has been working to ensure full access and participation for all. While parking may seem like a minor issue, lack of access to accessible parking can create substantial, and potentially insurmountable, barriers when it comes to the ability of a person with a disability to independently take part in activities and thrive within their community.

Thank you for reviewing this submission of Proponent Testimony. Please see my contact information below, and do not hesitate to contact me if you have any additional questions after the hearing.

Kathryn (Katie) Shelley, Disability Rights Advocate

The Ability Center of Greater Toledo

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<sup>1</sup> <https://www.khou.com/article/news/local/army-of-volunteers-issuing-citations-for-handicap-parking-spot-violators/285-8ebbb780-ffe1-4ad7-a805-87be7eeb5f9f>

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