

Sam
Adams
Mayor

Susan D.
Keil
Director

REPORT TO COUNCIL

June 3, 2009

On December 19, 2007, Portland City Council adopted Resolution No. 36562, which established a Disabled Parking Task Force to develop recommendations for Council on the implementation of Oregon State Senate Bill 716. SB 716 eliminated the privilege of parking on-street with no limit or fee for state-issued non-wheelchair user (regular) parking permit placard holders.

On January 2, 2008, Portland City Council approved Ordinance No. 181507, which extended the privileges for regular disabled person parking permits in the City of Portland meter districts until June 30, 2008.

On June 11, 2008, Portland City Council approved Ordinance No. 181914, which extended the privileges for regular disabled person parking permits in the City of Portland meter districts until December 31, 2008, and directed the Disabled Parking Task Force to make its report to Council.

On November 19, 2008, Portland City Council approved Ordinance No. 182345, which extended the privilege for regular disabled person parking permits in the City of Portland meter districts until June 30, 2009.

The Disabled Parking Task Force, representing members from the disabled, business and transportation communities, met beginning February 12, 2008, through March 13, 2009. The accompanying task force recommendations report represents the work product of the task force and contains majority and minority reports, as well as a staff report that offers yet another alternative.

The report herein presents those recommendations to Portland City Council.

Susan D. Keil, Director
Portland Bureau of Transportation

TO THE COUNCIL:

The Mayor concurs with the recommendation of the Director and

RECOMMENDS:

that the Council accept the report.

Respectfully submitted,

Mayor Sam Adams

DISABLED PARKING TASK FORCE

STAFF REPORT

City of Portland Bureau of Transportation has reviewed the Majority and Minority Recommendations of the Disabled Parking Task Force (DPTF) and submits the following report.

Background

Senate Bill 716, enacted by the 2007 Oregon legislature, limited parking privileges for persons with disabilities to wheelchair users and left it up to cities to decide whether to continue to extend parking privileges to all State disabled parking permit placard holders. Pre-SB 716 parking privileges allow parkers with a valid Oregon disabled parking placard to park at metered or non-metered spaces (of 30 minutes or more) without fee or time limit.

The Portland City Council created the Disabled Parking Task Force in January 2008 to develop recommendations to address disabled parking and SB 716. City Council also allowed pre-SB 716 parking privileges to continue until June 30, 2009.

The Task Force met during 2008 and 2009 and has produced Majority and Minority recommendations. Although a consensus was not reached on any one recommendation to City Council, the task force agreed that abuse of the disabled parking placard system was a problem for all stakeholders. They also agreed on certain “companion strategies”, including a legislative agenda.

Task Force Recommendations

The Majority of the DPTF recommends that the City of Portland reinstate disabled parking privileges to pre-SB 716 status. In addition the Majority recommends enhanced enforcement of unlawful placard use through a one-year pilot program that is intended to reduce abuse of the disabled parking placards.

The Minority Recommendation of the DPTF supports implementation of 4-hour maximum free parking with a disabled parking placard, as opposed to unlimited free parking as allowed prior to SB 716.

While the DPTF did not reach consensus in terms of their final recommendations, the task force did agree to recommend the following companion strategies:

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1. Request Multnomah County Circuit Court to increase fines for abuse of disabled parking permits.
 2. Provide incentives, such as discounted rates, to encourage placard holders to use off street parking, such as the City-owned SmartPark garages.
 3. Increase education and outreach to the general public and target groups such as those who medically certify disabled permits about the problems of abuse.
 4. Legislative agenda: Request State DMV to:
 - ◆ Staff a disabled permit hotline for reporting suspected placard abuse
 - ◆ Perform one-time reverification of disabled permits
 - ◆ Implement shorter renewal period for permits – now 6 months for temporary and 8 years for “permanent” (matched with driver license renewal) and
 - ◆ Explore feasibility of medical providers’ accountability for falsification.

Discussion

- The State of Oregon controls the disabled permit placard system. Disabled permits are issued by the Oregon Driver and Motor Vehicles division (DMV) and regulated by state law. DMV currently issues two types of disabled permits: 1) temporary disabled permits for 6 months and 2) permanent disabled permits issued for 8 years. Temporary permits can be extended for 8 years without re-submittal or verification of the medical provider’s certificate. Renewals occur at the time of driver’s license renewal.
- Much abuse of disabled permits appears to be related to the issuance of permanent disabled permit placards to individuals who may not be permanently disabled. DMV has stated they do not have a verification system in place to check whether the signature of the medical provider who signs the application form is valid.
- The number of people using disabled permit placards to park on downtown Portland streets has grown by 35% since 2005. In the highest demand retail core area, one in five cars holds a disabled permit, according to City surveys.

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- During routine enforcement, the City's Parking Enforcement officers must request identification from the user of a disabled permit to validate use of the permit. They must observe and make contact with the person entering or exiting the vehicle to establish them as the legal holder of the permit. Parking Enforcement beats have 73% coverage every week. This coverage provides enforcement officers significant contact with persons parking with disabled permits.
 - PBOT staff stated that media exposure coupled with announcing enhanced enforcement efforts lowers the number of citations written for unlawful use. Experience has shown that without routine follow-up by the media, enhanced enforcement efforts are less effective.
 - A 4-hour on-street limit discourages all day parking and provides parking turnover at metered spaces. Parking turnover provides more access to vehicles displaying disabled permits and promotes business vitality. A 4-hour on-street limit may provide an incentive to use off-street parking for longer stays.
 - PBOT staff provided information on the cost of the enhanced enforcement pilot program proposed as part of the majority recommendation. Costs of a one-year pilot are estimated at \$200,000. The estimate includes costs to: hire and train two additional Parking Code Enforcement Officers, develop a webpage for enhanced enforcement, create an incentive to encourage disabled permit holders to use the SmartPark garages, and develop outreach materials and advertising for the incentive.

Staff Recommendations

The Oregon Disabled Parking Permit system is a State program administered by the Oregon DMV. Any changes to these rules must be accomplished either through legislative action or administratively by DMV. Efforts are currently underway to pass legislation in the Oregon legislature to address certain renewal and verification issues. City staff will also be working with DMV to make changes to DMV procedures regarding temporary permit issuance and renewal.

Parking Enforcement will seek a bail increase for both unlawful permit use and unlawful use of a disabled zone.

Staff has reviewed a number of options to address all-day parking. Staff believes Portland's current permit enforcement effort against unlawful use is effective and

that hiring additional Parking Code Enforcement Officers would not significantly address problems of abuse of disabled parking permits.

Staff recommends implementation of a Two-year Pilot Program which would do the following.

- A. Temporarily extend pre-SB 716 conditions for two years to June 30, 2011.
- B. Initiate an education and outreach campaign regarding disabled parking abuse.
- C. Continue to work with Oregon DMV regarding administrative and legislative changes.
- D. Continue to explore incentives to promote underutilized off-street parking in SmartPark garages for disabled placard holders.
- E. Continue to monitor on-street disabled placard usage and rigorous enforcement against placard abuse.

DISABLED PARKING TASK FORCE

TASK FORCE PROCESS OVERVIEW

Background

The 2007 Oregon State Legislature passed Senate Bill 716 (SB 716), which became effective January 1, 2008, amended ORS 811.635 and created a new classification and parking privileges for persons to whom the State of Oregon Department of Transportation issues a "Wheelchair User" placard.

SB 716 also removed certain parking privileges formerly afforded persons issued a "Disabled Person Parking Permit" (regular disabled placard), in particular, on-street parking with no limit or fee. "Wheelchair User" placard holders would retain those privileges.

SB 716 also authorized a city or county to grant regular placard holders the same privileges as those given wheelchair users ("Local Control").

On December 19, 2007, Portland City Council adopted Resolution No. 36562, which directed the Portland Bureau of Transportation (PBOT) to establish the Disabled Parking Task Force (DPTF) to develop recommendations for City Council on the implementation of SB 716.

On January 2, 2008, Portland City Council passed Ordinance No. 181507, which temporarily extended the privileges for regular disabled placards until June 30, 2008 (amended City Code Chapter 16.20). On June 11, 2008, Portland City Council passed Ordinance No. 181914, which again temporarily extended the privileges until December 31, 2008. On November 19, 2008, Portland City Council passed Ordinance No. 182345, which again temporarily extended the privileges until June 30, 2009.

Council established the DPTF with the charge to gather information on the impact of vehicles displaying regular disabled parking permits from all stakeholder perspectives and develop a recommendation for Council with the goal of balancing the needs of stakeholders.

Council directed PBOT to create the DPTF consisting of representatives of downtown business associations, other business representatives, representatives of the disabled community and groups representing the disabled, and City staff. Members are listed below.

As directed, PBOT formed the DPTF in January 2008 and they held eight meetings from February to June, and two meetings in spring 2009.

Name	Affiliation if any	Type	Resigned
Ann Balzell	Multiple Sclerosis Society, Program Director	Member	
Betty Brislawn	Elders in Action, former Commission Chair	Member	
Jan Campbell	Portland Citizen Disability Advisory Committee, Chair; Retired City/County Disability Project Coordinator	Member	
Tom Carrollo	Old Town/Chinatown Neighborhood Association, Representative	Member	3/24/08
R.J. Cervantes	Portland Business Alliance, Representative	Non-voting Alternate	
Nickole Cheron	Office of Neighborhood Involvement, Disability Coordinator	Member	
John Cusack	Pearl District Business Association, Representative	Member	
Michael Eagan	Multnomah County Disability Services Advisory Council	Member	2/25/08
Lisa Frisch	Portland Business Alliance, Representative	Member	
Bert Geiger	Central Eastside Industrial Council, Representative	Member	
David Gragg	Lloyd District Community Association, Representative	Member	
David Halseth	Resident & Business Owner	Member	Jan 2009
Albert Hoguet	Resident & longtime placard user	Member	

Name	Affiliation if any	Type	Resigned
Michael Levine	Portland Citizen Disability Advisory Committee, Vice Chair	Member	Dec 2008
Polly Livingston	Portland State University, Assistant Director, Disability Resource Center	Member	
Gene Maier	Portland Downtown Neighborhood Association, Board Member	Member	
Tonia McCombs	Resident & Business Owner	Member	3/17/08
Ellis McCoy	Parking Operations, Division Manager	Member	
Steve Pirkl	Downtown Retail Council, Representative	Member	4/21/08
Joe VanderVeer	Multnomah County Disability Services Advisory Council	Member	(Replaced Michael Eagan)
Pam VanderVeer	Multnomah County Disability Services Advisory Council	Personal Care Assistant	
Francine Raften	J D White, a division of Berger/Abam Engineers, Inc., Senior Project Manager, Public Involvement; assisted by KC Cooper and Karyn Criswell	Consultant	
Ruth Lane	Parking Operations, Meeting Logistics & Contact Person	Staff Resource	
Dave Logsdon	Bureau of General Services, SmartPark Garage Manager	Staff Resource	
Linda MacArthur	ODOT/DMV	State Resource	
Nolan Mackrill	Parking Enforcement, Division Manager	Staff Resource	

Name	Affiliation if any	Type	Resigned
Jay Rogers	Parking Operations, Parking Control	Staff Resource	
Lori Steen	Parking Operations, Administrative Support	Staff Resource	

Task Force Roles and Responsibilities

The charge of the DPTF was to develop recommendations for consideration by City Council as Council decided how the City would implement SB 716. They were requested to act as a link to their constituent groups, provide information to them, and bring questions and concerns back to the DPTF for inclusion in the discussion. If a DPTF member was unable to attend a specific meeting, that member could choose to send a non-voting member instead.

Task Force Operating Procedures

The DPTF held eight 90-minute meetings twice monthly between February and June 2008. Meetings were open to the public, and a public comment period was included on the agenda. Procedures were outlined in a charter and agreed to by the group. The DPTF had no elected chair or other officers. Sessions were led by a professional facilitator. The DPTF held two 90-minute meetings in the spring of 2009 to prepare for presentation to City Council.

Decision-Making Process

The DPTF was designed to operate by consensus. If consensus was not achieved, members would decide on issues by simple majority. Minority opinions were recorded and supplemental information provided by representatives of the minority opinion would accompany the recommendation. All meeting minutes and activities were summarized on the City's project web page, www.portlandonline.com (search for: disabled parking).

Meetings

The DPTF met eight times over five months, plus an additional two times. The agendas were designed to move the decision process forward by identifying and prioritizing issues, developing alternatives, and finalizing recommendations through consensus and voting.

The Task Force met on the following dates:

February 12, 2008

February 26, 2008

March 11, 2008

March 25, 2008

April 8, 2008

April 22, 2008

May 13, 2008

June 24, 2008

February 27, 2009

March 13, 2009

Materials

Committee members were provided with the following materials to refer to in their deliberations:

- Oregon State Senate Bill 716
- Portland City Council Resolution No. 36562
- Portland City Council Ordinance No. 181507
- Disabled Placards Survey (02/06/08)
- Parking Pay Stations & Meter Beats Map (showing SmartMeter spaces and Disabled Parking Placards surveyed 02/06/08)
- Portland Business Alliance Downtown Parking Map
- SmartPark Garage Map
- DMV Instructions and Regulations for Disabled Person Parking Permit
- Oregon Administrative Rules 735-080-0020 – 0080
- Letter dated 05/12/08 from PCDAC/DPTC Members
- On-Street Disabled Placards Used (surveyed 05/01/08)
- Disabled Placard Survey (05-07-08)

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.

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.

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 November 19, 2008)
2. Enhanced enforcement on invalid permits – One-year pilot program beginning upon Council direction

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:

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- 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

Majority Report Supporting the Majority Recommendation

- The majority believes the on-street parking privilege, as it existed prior to SB 716, is essential to the full participation of all people with disabilities in civic, social and employment activities.
- 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.

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- 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.
 - The majority wants the City to continue to explore Smart Park garage options.

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 parking costs must be shared fairly amongst all members of the community.
- The minority notes that there are costs associated with transportation services, including parking costs. The minority notes that TriMet charges fares to all passengers, including honored citizens.
- 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 compromise 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 cites benefits of this proposal to the entire community in freeing up more short-term parking spaces on the street for use by downtown visitors.
- 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.
- By continuing to adhere to pre-SB 716 status, the City loses on-street parking revenue dollars, while the City is facing a significant budget shortfall.

May 28, 2008

Dear Mayor Potter and Commissioners:

Because the SB 716 task force is nearing completion and the Council will soon be considering the city's action regarding the Bill, we, the undersigned organizations, serving Portland's disability community, would like to collectively add our input for your consideration as well...

First, we would like to say that we applaud the Legislature for responding to the Paralyzed Veterans and their plea for an increase in the parking accommodation for wheelchair users. As a community, the disability community is always appreciative of policy changes (at any level) that increase an accommodation for those who need such to participate in the greater community. We celebrate policy that increases access and we mourn changes that reduce it. Since it's often difficult to get attention to disability issues at the policy level, we acknowledge that the paralyzed veterans worked for many years on the bill that became SB 716.

However, perhaps unintentionally on the part of the Paralyzed Veterans, SB 716 divides the disability community into two classes: those who use wheelchairs and those who do not. Usage of a wheelchair (or similar mobility device) is not a criterion by which the City should determine eligibility for the parking accommodation. **People with disabilities such as heart disease, lung conditions, post polio, multiple sclerosis, and a myriad of other conditions, require the parking accommodation every bit as much as people in wheelchairs.**

The final version of SB 716 that the Legislature passed in the 2007 session, drastically changes the on-street parking accommodation for the class of people with disabilities that do not use wheelchairs. **The disability community cannot support that change!** *Such a change in policy is a **drastic reduction in accommodation and subsequent access** for a large demographic in Portland's community.*

Since the disability community has been well represented on the task force mentioned above, we are confident that the task force met its objective of thoroughly exploring the issues and interests at stake and did its best to brainstorm remedies for your consideration. Unfortunately, many of the remedies that emerged, if implemented, would result in a reduction of the parking accommodation for people with disabilities not using wheelchairs. Again, **reduction in parking accommodation = reduction in access. Any reduction in access is contrary to the spirit of the ADA and modern community ideals.**

It is our opinion, as organizations *servicing and representing* the Portland Community's seniors and people with disabilities, that the city should take a stepped approach to addressing and remedying the issues raised by the other interests participating in the task force, namely the business community and the city parking enforcement bureau. A few of the options that emerged from the task force discussions have the potential to significantly positively impact the issues of concern without negatively impacting the needed access accommodation for those who truly require it. We respectfully request that the city implement these options first and assess their effect before considering the implementation of other options that would negatively impact access and accommodation.

The task force findings that we recommend constitute the city's initial action to address the concerns at stake, fall under two broad categories:

- **ENFORCEMENT** - *The disability community wholeheartedly supports efforts to reduce abuse and misuse of the placard accommodation. We believe that if measures are taken to reduce the fraudulent use of the accommodation, the concerns of the business community will be addressed*

*and the access accommodation for legitimate placard users will benefit as well. The measures we recommend initially are **increased parking enforcement** attention to placard use and the **increase of fines** for fraudulent use.*

- **EDUCATION** - *We also recommend educational outreach measures be taken in the initial approach. These measures would include outreach to the public through the Department of Motor Vehicles and the media as well as outreach to the medical community to stress the need for caution in issuance of placard and duration of placard need.*

It is our belief that if the placard accommodation is used in the manner in which it was originally intended and only by those for whom it was originally intended, most, if not all, of the concerns raised by the business community would be adequately addressed.

Since several of the organizations serving Portland's disability community are represented on the PCDAC, we invite the Council to consult with that committee as it moves forward on this issue, should it require further input from the community being affected by any proposed action.

Thank you for your time and your consideration of our position on this issue.

Sincerely,

Task Force Disability Community Representatives

Sept. 29, 2008

Disability community's comments regarding SB716 task force findings contained in staff report to Council:

People with disabilities are the primary stakeholders affected by any changes implemented regarding the parking placard accommodation. Because of the importance of this accommodation to all people with disabilities, representation from the disability community on the task force consistently comprised a majority of the stakeholder representation throughout the task force meeting process. The dedicated involvement of the representatives from the disability community throughout the entire task force process should be recognized as a clear and unmistakable statement of our community's concern over the proposed changes to the parking accommodation. We respectfully ask that Council recognize and remember the disability community's concerns and recommendations as this issue moves forward.

The disability community's position on changes proposed by SB716:

- We do not support any changes that result in a reduction of the parking accommodation in the city of Portland or anywhere else in the State;
- We do not support the reclassification of certain disabilities as proposed by SB 716.

Our specific comments regarding the staff report to Council are as follows:

- We do not support the minority proposal for a four hour limit to the accommodation as that would be a reduction in the overall accommodation; we feel strongly that implementing this proposal will do more harm than good by disenfranchising Portland's disability community and we disagree with staff about the effectiveness of such proposed action;
- We fully support the increase of fines for the misuse and abuse of the placard accommodation in both on-street and off street settings;
- We feel that significant benefit can be gained through a concerted effort at outreach to both the general public and prescribing physicians;
- We believe that the City should advocate for a legislative change to the prescription form so as to allow greater accuracy of duration of placard issuance (far too many 8 year duration placards are issued for nonpermanent disabilities);
- We feel that the "smartpark alternative" incentive, as proposed in the staff report, will be insufficient to offset the additional hardship such an alternative would impose on those who require the on street parking accommodation.

For greater detail regarding the disability community's recommendations on the implementation of SB716, please see our letter to Council dated May 28, 2008 (also attached here).

Thank you,

Task Force Disability Community Representatives