

Presentation on Disabled Placards

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The San Francisco Municipal Transportation Agency (“SF MTA” or “City”) has made recommendations to address the problem of misuse disabled parking (DP) placards. The ideas are generally categorized as follows: (1) blue zones; (2) issuance of DP placards; (3) meter payments; (4) time limits; and (5) enforcement.

Any solution to the problems should be based on solid information about the nature of the problem. One reason why the number of DP placard has increased may be the fact that more people with disabilities go out into society and are in the work force.

In addition, any solution should not penalize people with disabilities who legitimately have and use placards. An example of a penalty would be requiring payment at parking meters, in that it takes away a current benefit. After all, people with disabilities generally have lower incomes than the general population. Another penalty would be requiring people with disabilities to have new medical certification at regular intervals to renew placards, even if their need for a placard is not going to change,

It is currently illegal for individuals who do not qualify for a DP placard to use one unless they are transporting the person who qualifies for the DP placard. A person who misuses a DP placard is subject to fines of up to \$1,000 and/or six months in jail. In addition, the placard will be confiscated and the DP placard revoked.

Blue Zones

There are not enough blue zones. Increasing the number of blue zones will be helpful. However, making 4% of the metered parking blue zones is simply not enough. It cannot ensure that there can be at least one blue zone on each block. Even if there is a sole blue zone on a block, it does not help a person who cannot pay the meter for physical and/or financial

reasons, has to drive blocks to find an available blue zone, and have difficulty walking and/using a mobility device to get to and from their destination.

DP Placard Issuance

Photo ID

Another recommendation is to put the person with disabilities' photograph on DP placard. While this may help Parking Control Officers identify people who abuses their DP placard, it would violate the person's right to privacy. It would force people with disabilities to disclose the fact that they have a disability to everyone who passes by.

Paying Meters and Time Limits

First, in order for a person with a DP placard to be made to pay at meters or have time limits next to a green curb, there would need to be a change in state law. The City's recommendation would exempt people who have a disability which prevents them from putting money in the meter or from walking 200 feet.

There is an argument that requiring people with DP placards to pay at parking meters and having time limits violates Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131, et seq. Title II of the ADA says, in pertinent part:

"no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

42 U.S.C. § 12132. The regulations under Title II of the ADA, specifically 28 C.F.R. § 35.130(b(1)(ii), state:

"A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability . . . [a]fford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others."

As the City acknowledges, there are many people with DP placards who are physically not able to put money in the meters. If all people with DP placards were required to pay at meters, those people who could not use meters would be prevented from benefitting from using the on-street metered parking on the basis of their disabilities, in violation of Title II of the ADA and its implementing regulations. The proponents may argue that these people will have access because there will be 4% blue zones. However, at most, there will be one blue zone on any given block. If a person comes to his or her destination, and there is no blue zone or it is occupied, he or she would have to drive around to find a vacant blue zone and, then, try to navigate back to the destination, if possible.

One of the reasons for the current legislation allowing people with DP placards to park at metered parking without paying is because it takes many people with mobility disabilities longer to get around. This takes into account that it would be a lot more difficult for somebody to go back to put more money in a meter. Also, this allows people who cannot walk or push their wheelchairs long distances to be able to park close enough to reach their destination. The proposal would exempt people who are unable to walk 200 feet from paying at meters, which is similar to what is being done in Michigan and Illinois. However, 200 feet is only about half of a block. If they want to limit who gets free parking to how many feet they can walk, it definitely needs to be more than 200 feet because it limits them to half a block, and that would not take into account how much they need to walk from the curb to their destination.

For example, if a person cannot walk more than 500 feet, plan on going to some place in the middle of the block and there is metered parking on that block with a blue zone that is occupied, they will be forced to pay at the meter if they are able to operate the meter because they, unlike a person without a disability cannot choose to park in another area because they cannot walk back to their destination. Therefore, they will be denied the opportunity that other drivers have to not pay for parking because their disability prevents them from walking more than 500 feet and the proposal would not help them because they could walk more than 200 feet. Therefore, they may have a claim under Title II of the ADA and its implementing regulations.

People with DP placards are entitled to park in green zones (time limited) for as long as they want. The same argument that is made as to why people with DP placards should not be allowed to park at metered parking without paying can be made here. Many people with disabilities takes longer to move around and to get things done. Many people with disabilities have more frequent and longer appointments, which can take anywhere from one hour to all day. This is why extending a two-hour time limit to four hours will not help in many cases.

Enforcement

The misuse of the DP placards is the problem these recommendations address. People who truly need the DP placard should not be penalized for the actions of other people. There needs to be more enforcement of the current laws prohibiting the misuse of placards. A person who misuses a DP placard is subject to fines of up to \$1,000 and/or six months in jail. Cal. Vehicle Code § 4461(b). In addition, the placard will be confiscated and the DP placard revoked. Cal. Vehicle Code § 22511.6(a). If there is more enforcement, people will be deterred from misusing the DP placards.

A good way to try to curb the misuse of DP placards is to have a series of stings. For example, in Los Angeles, they have identified street corners that were suspected of having a lot of DP placards being misused in order to not pay meters or to park all day in time limited areas. It might be a good idea to do more of these stings and to publicize afterwards so people will think twice before misusing a placard. However, the message to the media should be focused on the people that were misusing the placards rather than making the impression that most people with DP placards do not need them.

Based on the SF MTA's Director of Security's report in its last advisory committee meeting, in a recent sting, out of hundreds of placards run, only 13 were confiscated. He also made the following suggestions for his own department:

- Add four Parking Control Officers (PCOs) to the Disabled Parking Detail
- Increase stings from three days a week to four
- Keep the PCOs in plain clothes at all times

- Get unmarked cars so that PCOs are not in vehicles with the City seal

These are more appropriate ways of responding to a problem of the misuse of placards, rather than taking away benefits from the majority of people who need them.