



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 13, 2012

TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

House Bill 2104, HD1 – Relating to Parking for Disabled Persons

While the Disability and Communication Access Board (DCAB) understands and empathizes with the intent of this bill, we respectfully oppose expansion of the eligibility of the disabled person parking permit for the following reasons:

- 1) We mirror the federal recommendations for eligibility as closely as possible. The federal Committee that recommended the eligibility criteria stated:

"The Committee discussed whether the definition should include blindness as a disability that limits or impairs a person's ability to walk. The Committee... finds that blindness, in and of itself, is not a mobility impairment and that the problems blind persons face with respect to mobility cannot be remedied by making handicapped parking spaces available to them. For these reasons, the Committee recommends that the definition contained in the final rule should not include blindness as a disability that limits or impairs the ability to walk."

It was the intent of Congress to provide parking permits to persons with disabilities that limit their ability to walk a long distance or need an access aisle. Individuals who are blind or visually impaired do not meet the recommended definition as stated in the federal rules.

- 2) The definition in the reference proposed is so vague as to make the certification meaningless. "A visually handicapped person is one whose vision with correcting lenses is so defective as to interfere with the performance of ordinance activity for which eyesight is essential." (§347, Hawaii Revised Statutes)
- 3) Unlike many mainland states with an abundance of land and parking, we have limited parking in our state. We have 77,485 active placard holders, which represent 5.98% of the population. The number of required accessible parking stalls is approximately 4% of the total number of stalls. That number assumes that every lot is compliant which is not the case, and thus the true availability of stalls is actually a lower percentage. There aren't enough stalls now percentage-wise based on the current number of permittees. The increase eligibility would be a strain on an already limited system.
- 4) We realize that people who are blind or have low vision experience navigational difficulties. We also recognize that similar difficulties are faced by people with developmental disabilities, with Alzheimer's, who have strollers, with multiple children, etc. However, these difficulties do not rise to the level of a mobility impairment or the inability to walk without resting or that requires the use of an access aisle.

- 5) Expanding eligibility also means increased program costs, as we reimburse the counties at \$12 per first time placard issued. A conservative estimate of the population of 5,000 people who are blind or have visual impairments will cost an additional \$60,000 a year.


These are our primary reasons we do not support the bill. Expanding eligibility will compromise the integrity of the program.

We ask that you hold this bill in Committee.

Thank you for the opportunity to testify.

Respectfully submitted,


BARBARA FISCHLOWITZ-LEONG
Chairperson


FRANCINE WAI
Executive Director

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 6:11 AM
To: TRNtestimony
Cc: mota1252@gmail.com
Subject: Testimony for HB2104 on 2/13/2012 9:00:00 AM

Testimony for TRN 2/13/2012 9:00:00 AM HB2104

Conference room: 309
Testifier position:
Testifier will be present: No
Submitted by: Milton Ota
Organization: National Federation of the Blind of Hawaii
E-mail: mota1252@gmail.com
Submitted on: 2/11/2012

Comments:

My name is Milton Ota, member of the National Federation of the Blind of Hawaii. I urge members of this committee to NOT PASS such a bill as many public places have limited parking space and that they should be made for those who really can't walk a long distance. Thank you very much for taking my testimony.
Milton Ota

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2012 4:15 PM
To: TRNtestimony
Cc: keithokazaki@hawaii.rr.com
Subject: Testimony for HB2104 on 2/13/2012 9:00:00 AM

Testimony for TRN 2/13/2012 9:00:00 AM HB2104

Conference room: 309
Testifier position: Support
Testifier will be present: Yes
Submitted by: Keith Okazaki
Organization: Individual
E-mail: keithokazaki@hawaii.rr.com
Submitted on: 2/10/2012

Comments:

Aloha & Good Morning Mr. Chairman and Committee Members,

I am a husband, a father of two young children, and a homeowner out in Mililani Mauka. I also happen to be blind. Like most families, we travel together to grocery stores, restaurants, shopping malls, and other places of interest. The difference is, unlike other families, each time we arrive at a large, busy parking lot, I am -- for all intents and purposes -- getting out of the car blindfolded and armed with only a 61-inch poly-carbon fiber cane, about to face possibly hundreds of feet, dozens of parked and moving cars, all sorts of obstacles, and with really no idea where the closest sidewalk might be. Are idling cars waiting for me or just waiting. Are beeping horns aimed at me, or at someone else? Can reversing or overtaking cars see me? Do they know, when their engines are starting or rumbling, or some car stereo or alarm is blaring, I cannot hear them? If the current disability parking law is designed to provide safety and accessibility for those disabled residents who cannot travel without the assistance of a cane or other assistive device, or without the help of another person, why does it not include blind residents?

Speaking from experience, not a single legitimately blind person can safely travel through a large, busy parking lot without a cane, a guide dog, or another person acting as a sighted guide. And, also speaking from experience, not every blind person comes with a sighted guide. I, for example, travel with my wife and two young kids. With bags to carry, grocery carts to push, and young kids to watch, there are not enough eyes to go around. Also, while I do have a cane and have been through orientation and mobility training, the two most most important strategies I learned for surviving on the streets are, one, paying attention to the traffic noises and patterns, and finding and moving onto the nearest sidewalk. In a large, busy parking lot, both strategies are of little value, as most parking lots do not come with street lights, cross walks or sidewalks. Many of the newer box stores do not even have curbs on their sidewalks -- they flow almost imperceptively into the parking lot itself.

At the last hearing, the Disability Access Board mentioned some Federal guideline recommended that blindness not be included as a qualifying disability for a disability parking pass. Interestingly, in spite of this guideline, 26 states and Washington D.C. allow blind residents to obtain disability parking passes. Additionally, this Federal guideline was drafted with the direction of the National Federation of the Blind (NFB), an organization that, in my opinion, stresses independence over and above safety and accessibility for the blind.

At the last hearing, the Disability Access Board also mentioned the current law does not allow the blind to obtain a disability parking pass because of the limited real estate in Hawaii. Interestingly, I learned that Hawaii is actually fourth out of the five smallest states in the nation and, of the other four, three of them -- including the smallest state, Rhode Island -- allow their blind residents to obtain disability parking passes. ADA laws are basically the same in every state, so, personally, this argument does not seem to hold water.

Finally, at the last hearing, the Disability Access Board mentioned it is reluctant to allow blind residents to obtain disability parking passes because of the widespread abuse by current passholders, as well as the possible start-up costs of adding upwards of 5,000 new passholders. If Hawaii did what other states and cities already do -- for example, adding photo IDs to disability parking passes, adding expiration dates to passes, increasing fines for disability parking violators, and allowing good samaritans to snap and email in photos of violators using smart-phone technology -- wouldn't this be a better solution than to continue disallowing blind residents the safety and accessibility that comes with a disability parking pass?

In closing, if you believe the true spirit the Hawaii's disability parking law is about safety and accessibility, and not about minority opinions, real estate, program abuse and nominal start-up costs, can you please vote to pass House Bill 2104 so Hawaii's blind residents can have the same safety and accessibility as those who are blind in the 26 other states and Washington D.C.? And, if you are blind and do not want a disability parking pass, can you simply not apply for one.

Mark T. Obatake
94-1062 Kahimoe Place
Waipahu, Hawaii 96797

February 11, 2012

The Honorable Members of the House Committee on Transportation
State Capitol
Honolulu, Hawaii 96813

Dear Honored Chair Souki, Vice-Chair Ichiyama, and Committee Members:

A strong recommendation is made to oppose the passage of HB 2104, HD1 Relating to Parking for Disabled Persons. The bill seeks to undermine the functional use of accessible parking spaces for people with mobility impairments.

When the Americans With Disabilities Act was passed in 1990, accessible design guidelines were developed by the federal government to address all the physical barriers that impeded people with disabilities from participating in the community. It was a major undertaking to consider all the functional aspects of sight, hearing, mobility, and the environment. If we look at the Americans With Disabilities Act Accessibility Guidelines (ADAAG), we would see things for a blind person like height requirement for objects that might hit their head or tactile transitions on the ground to warn of oncoming traffic. There are many design issues that must be addressed to enable people who are blind to do things in the community. However, using accessible parking spaces is not a functional need but a convenience.

The ADAAG requires an accessible parking stall to be near the entrance of a building to help people who cannot walk long distance, like people who have cardiac conditions or those that use walkers. The stall must also have an access aisle adjacent to the parking space that enables egress for wheelchair users. For people with mobility impairments, an accessible parking stall is a need, not a convenience.

Can a person who is blind exit a vehicle that is parked in a regular stall? Yes. But the same cannot be said for a person in a wheelchair. Can a person who is blind walk to the entrance of a building from a regular stall? Yes. Visual impairment does not restrict walking distance, only seeing how to get to the destination and there is always a driver in the car to assist the person who is blind. If the person who is blind has difficulty with walking the distance due to other health reasons, the law already enables him/her to get a placard.

Every disability is not the same. The law dictates civil rights for all people with disabilities, but it also must address the functional differences of the varied types of disabilities. For these reasons, it is my hope that your committee will oppose HB 2104.

Thank you for your consideration of this matter.

Respectfully submitted,

Mark T. Obatake

ichiyama1 - Curi

From: Ann Ito [aito@hawaii.edu]
Sent: Saturday, February 11, 2012 3:55 PM
To: TRNtestimony
Subject: HB 2104 HD1Blind Parking Permit

Testimony in opposition to HB 2104 HD 1 disability parking passes for persons who are blind

Dear Members of the House committee on Transportation:

My name is Ann Ito and I write in opposition to HB 2104 HD 1 relating to the inclusion of blind and visually impaired persons among those eligible for disability parking passes.

As blind persons are not authorized drivers but rather passengers in vehicles operated by drivers who are either able bodied or with their own disability parking permits, there is no apparent justification for blind persons to need disability parking privileges. If they require assistance to navigate the parking lot, it would appear that the driver of the associated vehicle might so provide.

There is legitimate need versus undeniable convenience with respect to parking for persons with disabilities. In the case of those of us who are blind, it is a matter of convenience and not need.

Thank you for your thoughtful attention.

Sincerely:
Ann Ito

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2012 5:14 PM
To: TRNtestimony
Cc: Tlenzer@hawaii.rr.com
Subject: Testimony for HB2104 on 2/13/2012 9:00:00 AM

Testimony for TRN 2/13/2012 9:00:00 AM HB2104

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Anthony Lenzer, Ph.D
Organization: Individual
E-mail: Tlenzer@hawaii.rr.com
Submitted on: 2/11/2012

Comments:

My name is Anthony Lenzer. I have a health problem which qualifies me for a disability placard, and I have had such a placard for several years. It has made an enormous difference in my ability to attend meetings, go to necessary appointments, and perform other everyday tasks.

Regarding this bill, I have read the testimony in support of HB 2104, and have great sympathy for blind persons trying to negotiate our busy and crowded parking areas. Their difficulties are very real. The same can be said for people with Alzheimer's, parents with small children, and other groups in our population. Unfortunately, the system cannot handle any more people. As I understand it, 6% of Hawaii's population already have placards, and less than 4% of stalls are disability accessible. Thus, unless the Bill was amended to require many more accessible stalls, and more money was provided to administer the parking program, I must oppose HB 2104, and urge you to vote against it.

Thank you for the opportunity to testify on this issue.

TO: House Committee on Transportation
Monday, Feb. 13, 2012 at 9:00 a.m.
Conference Room 309

FROM: Kirby L. Shaw
425 Ena Road, #706-A
Honolulu, HI 96815
kirby@hawaiiantelcom.net
944-0828

SUBJ: HB 2104 HD1 - RELATING TO PARKING FOR DISABLED PERSONS

Rep. Joseph M. Souki, Chair
Rep. Linda Ichiyama, Vice-Chair
Members of the House Committee on Transportation
Kirby L. Shaw – Disability Parking Permittee

Oppose HB 2104 HD1 - Relating to Parking for Disabled Persons

Dear Transportation Committee,

I have a physical disability that requires use of a power wheelchair. HB 2104 HD1 is important to me because my van deploys a ramp from the side of the vehicle. Therefore, I need to use disability parking spaces that feature an “access aisle” (the additional 5’ or 8’ wide striped area next to the vehicle space). I am able to use such parking spaces because Hawaii law authorizes me to obtain a disability parking permit.

I strongly oppose HB 2104 HD1. The bill authorizes blind and visually impaired persons to apply for and obtain disability parking permits.

Disability parking spaces are required by law and are intended for the following persons and purposes:

- (1) located closest to a facility’s entrance for persons with significant difficulty moving under their own power; and
- (2) designed with an access aisle for persons who must fully open a car door or deploy a ramp to load or unload a wheelchair or other device to aid mobility (scooter, walker, etc.).

Disability parking spaces are not required, designed, or intended to address the unique independent or dependent navigational needs of blind and visually impaired persons. Respectfully, such persons do not drive, do not have significant difficulty moving under their own power, and do not need additional space to load or unload a wheelchair or other mobility aid. Therefore, authorizing blind and visually impaired persons to obtain disability parking permits would only serve the parking convenience of drivers who transport them and frustrate the intended purposes of disability parking spaces. If a blind or visually impaired person meets the current eligibility criteria for a disability parking permit, that person would and should be eligible to obtain a permit for the intended purposes.

For the reasons stated above, **I ask the committee to oppose this bill.** Thank you for considering my testimony. Please contact me if you have any questions. Mahalo nui.

Sincerely,

/s/
KIRBY L. SHAW

Testimony in favor of HB 2104

My name is James Kennedy and I am writing to fully support HB 2104. While I am not blind, my wife, Vickie Kennedy, is, and I can speak from both my observations of her and from my personal perspective. The following represents thoughts that I feel are relevant.

“SAFETY”, that is the one single word that best describes the reason for my support of this bill. Those who are blind in our community, particularly those who are active and move about regularly, can really benefit from having a parking placard. Here is why. It will keep them out of the way of moving vehicles being driven by those whose eyes are busy searching for an open parking spot! Also, being able to park a car right up against the sidewalk near the individual’s destination gives the blind person a good sense of orientation. The blind person needs to know in his or her mind’s eye which way to go, and starting off at a sidewalk in front of your parking space helps give just that. For those who are actively mobile, using a cane or a guide dog, this is particularly important. The sweeping cane only works upon collision with another object, which could be an impatient driver of a car looking for a parking space. A guide dog is trained to help its handler get safely from point A to point B by taking the person down sidewalks, avoiding obstacles, and carefully helping the person across intersections. Even some very well trained guides can become distracted when they have to wander down the middle of parking lot rows.

Can you imagine for a second, being blind and having to navigate from a parked car in the middle of an Ala Moana shopping center garage row for about 150 or 200 feet to just try to get to a sidewalk fronting the stores? Try doing it just once blindfolded, even with someone you know being not far away. Outright frightening!!!

We are not asking that the State mandate parking placards for the blind. We are only asking that the State make a safety accommodation for them and make it available to those in the legally blind community who choose to seek one for safety purposes. For the life of me, I cannot understand for a second why anyone in the blind community would want to oppose this bill. That simply defies logic of any kind. If they do not want one, then they don’t have to apply for one. Simple as that. But please don’t block others from getting one when they know it will bring them safety and peace of mind.

You may ask, but what about the objections being raised? Here are my thoughts on those.

1. The State has too few handicap parking spaces as it is. This surely must be true, we see, it all the time. BUT that is not reason to deny a legally disabled person the accommodation for a parking placard. Let us not forget that being legal blind is certainly a legal handicap under ADA rules and regulations.
2. There are so many blind folks, if the State gives placards to them all, it will cost maybe up to \$60,000. I would be shocked if the majority of the blind go for the placards. In Hawaii there are so many blind individuals who basically stay home, and really have given up on the idea of actively travelling around. And, even if it did cost \$60,000, what is that compared to one individual being protected from serious injury, or worse?
3. There are some who hold themselves as being THE EXPERTS and the representative for the blind, and who say the placards aren’t necessary. Their insistence can only be called arrogance! They don’t have to go for a placard, but let those who can truly benefit from

the safety perspective get placards. Why should the State deny the safety benefit of one to a blind individual?

4. In the Committee on Human Services hearing, there was a woman who testified against the bill. She cited a committee of some sort that “unanimously” agreed to recommend against the bill. *I am not sure everyone understood that only 3 of the 17 committee members were blind.* I asked the lady afterwards if other blind individuals were contacted so they would be given a chance to come and weigh in on this matter. The answer: no, they were not. No reason was offered to me when I asked her about this after the hearing.

5. The same lady mentioned in #4 above also indicated she has concerns that if the State allowed the blind to get placards that that would open the door to others with different health issues to demand placards too. I consider this very lame. We talked about this after the hearing, with several individuals present. I believe if another group of Hawaii residents feel they have needs that can be similarly addressed, then let them come forth and take the appropriate steps. Maybe some should get the benefit of a placard, and perhaps some should not. Each group’s rationale should be carefully evaluated on a case by case basis. She was concerned about abuses of the law. You know and I know there are always abuses of the laws that irk us all. However, if a person is legally blind, that can be proved by her or his doctor’s certification. Please, do not let concern about abuse and opening up floodgates for other requests be the reason that legitimate individuals cannot even apply for a placard for safety purposes.

Another thing of importance has caught my eye. On the Legislative website, this bill is noted to have an *effective date of July 1, 2050.* That is right, 2050! That has to be a typo. Maybe someone dictated and said 2015 and the transcriber got it wrong as 2050. That is obviously a serious error and needs to be changed. We would hope the effective date could be no later than sometime next year.

This matter should be a considered as a serious safety issue. I cannot think of how anyone can dispute that being able to park right in front of a destination is much, much safer than having a blind individual have to navigate down the busy rows of a parking lot.

I respectfully request that this bill be approved by all committees and then passed by the State Legislature.

Mahalo nui loa,

James Kennedy
91-1012 Kaipalaoa St. #5506
Ewa Beach, HI 96706
Tel. 808-689-7963
Cell 808-224-7639

LATE TESTIMONY

My testimony on favor of HB2104

My name is Vickie Kennedy. I am totally blind and have been a guide dog handler for 12 years. Prior to getting a guide dog, I was legally blind since 1978 due to a retinal degenerative disease called Retinitis Pigmentosa ("tunnel vision"). I have a parking placard due to a balance and lower back problems. I have an L-4 bulging disk, disintegration around the L-4 and L-5, and suffer from Osteopenia as well. Having a placard helps me share my positive experiences. But having one already does not make feel any less concerned about my fellow blind citizens. In fact, I feel an obligation to support this bill to allow them the safety that I have had.

Before moving back here to Hawaii, my husband, Jim, and I, lived in the Northern California area for 15 years. I was able to apply for a placard because of my blindness almost 20 years ago. When my husband and I decided to retire back to Hawaii in 2006, I was rather surprised and shocked to find out that I wasn't able to apply for the placard due to my blindness. Afterward, I was able to get a placard due to my balance and back issues.

It is my understanding, a Parking Placard provides SAFETY to one with a disability.

I want to give testimony in support of HB2104 which would allow a blind individual to be able to obtain a parking placard. Yes, a blind person doesn't drive, so the question is "why would a blind person need a parking placard?"

It would be very helpful to have the person driving the car to be able to park in a designated handicap stall to insure the safety for the blind passenger. When I get out of a car, the sidewalk is usually directly in front of the vehicle and I can, once we are on the sidewalk, get oriented immediately to our surroundings. I can ask what stores or businesses are in front and adjacent to where the car is parked. Once I am oriented I can move about safely with my guide dog. Others can move about with their canes.

When I am in a store shopping, I need help from its staff, but once I am done, I can give my guide a command to "find the door," or "outside." Once I am outside, it may take me a second or two, but I have the security of knowing that the sidewalk is my safety place and then I can either make a left or right with my guide and try to get near the car. Once I feel that we are nearing the parking stall, I can give my guide the command to "find the car."

When shopping, my husband and I usually are together, but at times, he may need to go to another place. It is safer when I am done before he is, to be able to independently find my way back to the car and wait for him there.

If we had to park in one of the many rows of parking, it would be impossible, not to mention dangerous trying to get back to our car. As you may already know, parking lots are quite the dangerous place to be as drivers are concentrating on looking for spaces and you and I know that some drivers are impatient and try to go around other cars and some even speed up and down the rows of parked cars trying to catch a spot they noticed in another row. I can remember a couple of times when we would have to

park a ways away from a store and a car would be backing up, totally oblivious that we are right at the car's back bumper. Those times, my husband had to slap the trunk of the car to let the driver know we were right behind the car. Just think if you were totally blind and walking with a cane or a guide dog and this happened to you.

Today, everyone recognizes the importance of the new "green friendly" hybrid cars. There are more and more drivers in these hybrid cars. Unfortunately, a blind individual can't hear these cars.

At our last hearing testimony with the Committee on Human Services, a lady by the name of Francine gave opposing testimony. Among other things, she cited the lack of parking spots allotted for handicap parking due to the lack of property surrounding commercial properties here. I totally understand that, so when the handicap stalls are all taken, we do park in another available stall.

I am almost certain that all of the blind individuals here will not apply for a parking placard if given the opportunity. Many of them are elderly or may not be as active and mobile. I am very active and for about six years have traveled most months back to the Bay Area alone with my guide while I was on the Board of Guide Dogs for the Blind. I am very active here in Honolulu as well. Those of us who are involved in many activities and are out and about, should be given the opportunity to apply for and obtain a placard.

I would like for you to please consider making the parking placards available for the blind. It is truly a safety and an orientation issue. 28 states allow the blind to have one, so I would very much like Hawaii to be the 29th.

Thank you for your consideration.

Respectfully,

Vickie Reiko Kennedy

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