



Chevy Chase

Advisory Neighborhood Commission 3/4G

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July 18, 2016

Leif A. Dormsjo
Director
District Department of Transportation
55 M Street, SE
Washington DC 20003

Re: Chevy Chase Advisory Neighborhood Commission 3/4G
Comments on Proposed Disability Parking Regulations

Dear Mr. Djormsjo:

ANC 3/4G submits these comments opposing the District Department of Transportation's (DDOT's) proposed regulations for "Red-Top Meters" for disabled parking in the Central Business District (noticed on June 24, 2016). The proposed regulations, if adopted, will deprive disabled drivers of their current access to free parking anywhere in the District for double the time at any metered parking space.. This unfettered access to parking is essential to give disabled persons -- many of whom are elderly* or lower income -- a greater degree of mobility, proximity, and access to necessary services and District amenities.

DDOT has conducted no hearings, engaged in no community outreach, offered no best practice alternatives or targeted enforcement, and has provided no facts that would justify this deprivation of an existing right. ANC 3/4G urges DDOT to withdraw these proposed regulations and, at a minimum, to initiate an investigation that includes appropriate community outreach and fact-finding in order to determine what, if any, alternatives to parking regulation and enforcement might be necessary.

Under current regulations "individuals issued special license tags for persons with a physical disability . . . and individuals issued special parking permits [for] persons with a physical disability by the District may park a motor vehicle without cost for double the posted time period in parking zones that are restricted as to the length of time parking is permitted. . . ." 18 DCMR section 2704.4. This provision assures available parking throughout the District at no cost to the physically disabled and is consistent with the District's policy to assure access to everyone, including those with physical disabilities. Rather than restricting access to a very limited number of segregated parking spaces that may not be located optimally, the District currently makes parking available to the disabled when and where it is most convenient for them.

When the Red-Top Meter program was first proposed, then-Councilmember Bowser correctly identified the concerns it raises:

[F]or the first time, disabled drivers will pay as much as \$2.00 per hour [since increased to \$2.30 per hour] or face a fine or towing. The previous practice permitted disabled drivers to park at any meter without charge for twice as long as the stated time. Troubling too is that there is no guarantee that a red-top meter will be available or convenient for disabled drivers. The perverse result is that some disabled drivers will pay today for the same inaccessible parking space that, as of two weeks ago, was free of charge. Also, many disabled residents have expressed confusion with regard to the new rules. The red-top program, albeit well-intentioned, is inadequately tailored to provide accessible parking without overburdening those who need it.

Memorandum from Councilmember Bowser to Council Chair Brown, Mar. 15, 2012, regarding "Notice of intent to move emergency measure at the March 20, 2012 additional legislative meeting." Mayor Bowser's comments are equally applicable today to DDOT's proposed regulations.

DDOT may not abandon the District's current progressive policy without persuasive evidence that the rules must be changed. In the Citizens with Disabilities Parking Fairness Emergency Declaration Resolution of 2012 (sponsored by then-Councilmember Bowser), the Council concluded, "It is thus imperative that the status quo be maintained until the Mayor has had time to study the issue and produce a report detailing industry best-practices with regard to metered parking for the physically disabled, which study shall include the participation of the disabled community." That same resolution emphasized that "[t]here has been no public hearing as is customary with policy initiatives of this kind." Indeed, for other DDOT initiatives in our ANC and across the District, DDOT routinely conducts extensive community outreach to ensure that the government's actions will benefit and not harm those who will be most affected.

DDOT's outreach efforts in this case, however, have been almost nonexistent. The DDOT-convened Working Group on Reserved Parking for People with Disabilities is not a substitute for genuine outreach to persons with physical disabilities. Most of the Working Group members were from organizations that do not even purport to represent disabled individuals and that have other, perhaps conflicting, institutional interests (e.g., the Building Industry Association, the Business Improvement District Council, the DC Chamber of Commerce, the District Department of Motor Vehicles, the District Department of Public Works (DPW), DDOT, the National Park Service, and Councilmembers). The Working Group itself recognized that it needed to "better engage the broader disability community," but DDOT did not hold any Ward-level community forums, neighborhood hearings, or other outreach directly to those who will be seriously impacted by these proposed regulations. DDOT should not proceed with this significant policy change without making a concerted effort to hear from those most affected.

In many other respects, DDOT has not conducted adequate studies to justify the proposed regulations. First, DDOT has not shown that its proposed rule would address any purported fraudulent use of disabled parking placards, which DPW's former Director said were almost entirely serial violators from Maryland and Virginia around L'Enfant Plaza. At the June 2015 Council hearing, neither DDOT nor the Department of Public Works had (1) conducted targeted enforcement to deal with the problem without penalizing disabled persons, (2) provided evidence of the extent of fraudulent placard use, if any, or (3) shown that requiring payment for

all physically disabled drivers or passengers would reduce the use of fraudulent placards. Rather, the proposed regulations would simply make all physically disabled persons pay for the purported misdeeds of a very few.

Second, DDOT has not shown that its proposed rule will provide needed universal access for the physically disabled. The few available Red-Top Meters ("where feasible," one per block or at least 4% of the District's total metered parking spaces) will be likely to accommodate all of the physically disabled's parking needs. If a Red-Top Meter is occupied or is not convenient to the disabled individual's destination, it will be useless. Moreover, if Red-Top Meters are not located optimally, they may result in perpetually unused parking spaces in some areas and an inadequate number of spaces in other areas (e.g., near doctors' offices). DDOT has not shown that the number of Red-Top Meters and their locations will be likely to precisely match the disabled community's needs.

Third, DDOT has not shown that its proposed rule is the best alternative to the status quo. If there needs to be a change from universally free parking for disabled persons -- which DDOT has not shown -- it has not analyzed other available options that will ameliorate the impact on disabled drivers and passengers. Many of the physically disabled are also low income, and for them, the imposition of a fee for parking may create an undue burden. The US Census Bureau's 21-03 American Community Survey indicated that 33.9% of the District residents with disabilities live in poverty -- 15% higher than the poverty rate for the District population as a whole and 11.5% higher than the rate nationally.

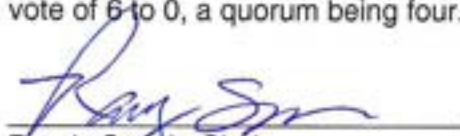
Nothing in the proposed rule attempts to address this reality or to justify the proposed new fees as the least burdensome alternative. ANC 3/4G has noted that you have acknowledged that DDOT has not evaluated other potentially workable alternatives that the District could consider (e.g., the EU parking disc program). DDOT should not adopt these proposed regulations with adverse impacts on disabled persons without first assessing better options used successfully elsewhere.

Fourth, the proposed regulations completely eliminate the existing free parking for disabled individuals, beginning in the Central Business District where there will be Red-Top Meters reserved for the disabled and likely expanding throughout the District to every Red-Top Meter. In other words, they will completely forfeit the current parking benefit with no compensating accommodation. Other jurisdictions that have adopted similar programs (e.g., Baltimore and Portland) have seen a substantial drop in the use of parking spaces by cars with disabled placards, indicating that the additional burdens have discouraged use of parking by disabled individuals. This is a step backwards in disability rights and does not reflect the District's more enlightened policies.

The proposed regulations are especially inappropriate given the District's other policy objectives. For example, the Age-Friendly DC initiative seeks to create an urban environment that allows seniors -- many of whom have some physical disabilities -- to remain active and healthy and for the District to be recognized by the World Health Organization Global Network of Age-Friendly Cities and Communities in 2017. The proposed regulations would be inconsistent with that policy goal. Moreover, the District is a tourist destination to 18 million people each year. As the Nation's Capital, we should uphold the highest standards for accessibility to accommodate all persons with disabilities, their families, and caregivers who may be tourists, entrepreneurs, conventioners, dignitaries, and congressional constituents who visit the District each year.

ANC 3/4G urges DDOT to withdraw its proposed regulations. To the extent that it believes any change in the current regulations are required, it should conduct and publish a comprehensive study detailing industry best-practices -- including those that are most beneficial and accommodating for physically disabled persons -- and solicit the views from a broad spectrum of the disabled community, its allies, and ANCs across the District. These proposed regulations would be a material change in the District's treatment of disabled persons, and they should not be adopted without community input and persuasive evidence that these are the least intrusive steps that could be taken.

ANC 3/4G adopted these comments at its duly noticed meeting on July 11, 2016 by a vote of 6 to 0, a quorum being four.


Randy Speck, Chair