H-3743.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2729**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives McBride, Kloba, and Jinkins

AN ACT Relating to accessible public on-street parking for individuals with a physical disability; adding a new section to chapter 35.21 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that Title II of the Americans with disabilities act provides that 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.

(2) The legislature further finds that the United States court of appeals for the ninth circuit in *Fortyne v. City of Lomita*, 766 F.3d 1098 (9th Cir. 2014) requires local governments to provide public on-street parking reasonably accessible to, and usable by, individuals with disabilities.

(3) The legislature recognizes that although local jurisdictions have a valid public interest in providing such accessible parking spaces, there are challenges with compliance, as there are no formally adopted federal requirements for the number or design of on-street accessible parking spaces.

(4) Therefore, the legislature intends to require local jurisdictions, in the absence of federal regulatory design specifications for on-street parking, to propose a plan for phasing in accessible public parking spaces pending the approval and adoption of such federal guidelines.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

(1) Every county and city must prepare a plan to address the phase-in of retrofitting streets with accessible on-street parking spaces for individuals with a physical disability. At a minimum, each plan where on-street parking is authorized must:

(a) Address how cities and counties will phase-in retrofitting of local streets to accommodate accessible on-street parking spaces on all publicly accessible streets;

(b) Show how retrofitting and design recommendations for providing accessible on-street parking spaces are in compliance with the guidelines and the requirements issued by the United States access board;

(c) Include a timeline showing when the retrofitting will begin and how long the entire project will take to be completed; and

(d) Include a fiscal analysis noting the design and construction costs for retrofitting streets to provide any additional accessible parking spaces and sidewalks.

(2) Each plan must be submitted to the department of commerce by December 30, 2020.

**--- END ---**