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HOUSE BILL 2729

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State of Washington                      65th Legislature                      2018 Regular Session

By Representatives McBride, Kloba, and Jinkins

Read first time 01/15/18. Referred to Committee on Local Government.

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

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

5            NEW SECTION.    **Sec. 1.** (1) The legislature finds that Title II of  
6 the Americans with disabilities act provides that no qualified  
7 individual with a disability shall, by reason of such disability, be  
8 excluded from participation in or be denied the benefits of the  
9 services, programs, or activities of a public entity, or be subjected  
10 to discrimination by any such entity.

11            (2) The legislature further finds that the United States court of  
12 appeals for the ninth circuit in *Fortyne v. City of Lomita*, 766 F.3d  
13 1098 (9th Cir. 2014) requires local governments to provide public on-  
14 street parking reasonably accessible to, and usable by, individuals  
15 with disabilities.

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

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

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21  
7 RCW to read as follows:

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

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

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

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

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

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

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