

HOUSE TRANSPORTATION COMMITTEE
PennDOT: SB 888 PN 1242 Disabled Parking Spaces

Introduction

The Department would like to begin by thanking the House Transportation Committee members for the opportunity to express our concerns regarding Senate Bill 888 PN 1242. The proposed bill revises Title 75 language for reserved parking for persons with disabilities and disabled veterans. It also increases the maximum penalty for violators. However, as currently presented, this bill includes amendments to Title 75, section 3354(d) that could be misinterpreted in two specific ways that may lead to confusion for the Department, local authorities and private lot developers, and law enforcement.

Beginning on page 3, line 30, the bill establishes that “THE DEPARTMENT SHALL NOT BE DEEMED TO BE AN OWNER OF A PARKING SPACE AND NOT MAINTAIN STOPPING, STANDING OR PARKING SIGNS, ACCESS AISLES, OR PARKING SPACE MARKINGS.” It should be noted that PennDOT is currently responsible to maintain numerous park and ride lots throughout the state that were designed and constructed as Department transportation projects. As such, PennDOT maintains all elements of these facilities including traffic control devices. Although the wording in this section was initially suggested to clarify that per Title 67 Chapter 212, the Department is not and should not be considered responsible to maintain traffic control devices for parking spaces on state or local roadways or private lots, it should not be construed to remove the Department’s current duty to build and maintain park and ride lots which are an important element of our intermodal transportation system.

The sentence beginning on page 4, line 3 states “THE DEPARTMENT MAY PERMIT A PERSON OR LOCAL AUTHORITY TO DESIGN, INSTALL AND MAINTAIN STOPPING, STANDING OR PARKING SIGNS, ACCESS AISLES OR PARKING SPACE MARKINGS.” Similar to the maintenance issue I described above, although Pennsylvania regulations stipulate that PennDOT has the sole authority to develop and adopt standards for traffic control devices for use in the Commonwealth, we recognize that the term “DESIGN” as used in the current bill could be misinterpreted to supersede Title 67 Chapter 212 giving parties other than the Department the authority to establish their own standards for these signs and pavement markings. This was not the Department’s intent, which was limited to municipalities completing designs for parking lots using Commonwealth established standards for signs and pavement markings. Since the misinterpretation could potentially create a wide range of parking-related sign and pavement marking standards, vary from municipality to municipality, confusing both motorists and law enforcement, this issue should be further clarified in the legislation.

Although a lesser concern for the Department, the bill includes an additional amendment to Section 3354 (beginning on page 4, lines 6) which states “THE DEPARTMENT MAY PROMULGATE REGULATIONS PERTAINING TO THE SIGNING, MARKING AND PROPER USE OF A PARKING SPACE, CURB RAMP AND ACCESS AISLE ON PUBLIC OR PRIVATE PROPERTY RESERVED FOR A PERSON WITH A DISABILITY.” It should be noted that both federal regulations and guidance are available for these features. The 2010 Americans with Disabilities Act (ADA) standards discuss disabled parking space requirements in section 502. The Public Right of Way Accessibility Guidelines (PROWAG) addresses standards for on-street parking in section 309. PROWAG has not been adopted by the Department of Justice as regulation yet, but the Federal Highway Administration has stated it is the best practice when the 2010 ADA Standards do not fully address the issue. The 2010 ADA Standards are regulation. PROWAG has been out for public comment several times, most recently in 2011. It is expected to be adopted as regulation at some point. In short, the Department does not intend to promulgate its own regulations on this matter but rather we would follow the federal regulations and guidance.

Conclusion

Current Pennsylvania regulations provide the Department with the necessary authority to ensure all traffic control devices used on state or local roadways or parking facilities are effectively maintained and comply with all applicable federal or state requirements and standards. It is our view that the proposed Bill as presented will lead to confusion on maintenance responsibilities for certain PennDOT-maintained parking facilities and open the door to a proliferation of non-standard signing and pavement markings which may vary depending on the municipality.

On behalf of the Department, I appreciate your time and allowing me to speak with you today.