



**LEGISLATION & PUBLIC
INFORMATION UNIT**

1831 K Street
Sacramento, CA 95811-4114
Tel: (916) 504-5800
TTY: (800) 719-5798
Intake Line: (800) 776-5746
Fax: (916) 504-5807
www.disabilityrightsca.org

June 22, 2018

Honorable Jim Frazier
Chair, Transportation Committee
California State Assembly
Capitol Building, Room 3091
Sacramento, CA 95814

**RE: SB 760 (WIENER) as amended June 4, 2018 – OPPOSE UNLESS
AMENDED**

Dear Assembly Member Frazier:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities regrets to inform you that we respectfully **oppose SB 760 unless amended**. This bill is scheduled for hearing in the Assembly Transportation Committee on June 25, 2018.

Existing law authorizes the Department of Transportation to issue a permit to the owner or developer of property adjacent to or near a state highway, including the associated right of way, to construct, alter, repair, or improve any portion of the highway for the purpose of improving local traffic access, as provided. Existing law specifies that the permit may be issued only if the work within the highway right of way is to be performed in accordance with plans and specifications approved by the department.

If the improvement would not affect the operation of the state highway and the associated work would be performed in accordance with local agency plans and specifications, SB 760 would prohibit the department from denying an application for a permit solely because the associated work is not to be performed in accordance with plans and specifications approved

by the department.

DRC is not completely clear what the underlying motivation is behind the most recent language of this measure, however, we along with the California Council of the Blind, remain concerned that frequently both Caltrans and local entities fail to consider and comply with federal Americans with Disabilities Act (ADA) and state accessibility regulatory requirements in designing streets and roadways. This failure negatively affects both the safety and ability to travel for pedestrians, especially those with disabilities, including those with vision impairments. This is especially the case in instances where bicycles and pedestrians share paths of travel.

To ensure that the state and local entities comply with existing state and federal law, we discussed with the author's office the following clarifying amendment:

A city, county, regional, and other local agency or a state entity responsible for the development and operation or planning and construction, respectively, of bikeways or roadways where bicycle travel is permitted, shall comply with the applicable accessibility specifications found in the California Building Code and the latest edition of the ADA Standards for Accessible Design.

This amendment does not change existing law, but clarifies the duties of state and local entities in a manner that helps to ensure safety and access for persons with disabilities.

Unfortunately, we have not received feedback from the author's office as to the proposed amendment. Thus, we must oppose the bill unless amended. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink that reads "Evelyn M. Abouhassan". The signature is written in a cursive style with a long, sweeping tail on the last name.

Evelyn Abouhassan
Senior Legislative Advocate
Disability Rights California

cc: Honorable Scott Wiener, California State Senate
Miles Horton, Legislative Aide, Office of Senator Wiener
Honorable Members, Assembly Transportation Committee
Melissa White, Principal Consultant, Assembly Transportation
Committee
Erin Riches, Principal Consultant, Senate Transportation and
Housing Committee
Daniel Ballon, Consultant, Assembly Republican Caucus Committee