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CITY OF KELOWNA

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MEMORANDUM

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**Date:** August 28, 2008  
**File No.:** 5480-08  
**To:** City Manager  
**From:** Transportation Manager  
**Subject:** **Handicapped Parking Pass Workshop Final Report – Parking Management**  
Report Prepared by: Jerry Dombowsky, Transportation Demand Supervisor

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**RECOMMENDATION:**

THAT Council formally request both the Social Planning and Research Council of B.C. (SPARC) and the Province of B.C. to cooperate in initiating a review of the eligibility criteria currently set out for issuance of a handicapped parking pass to define those in need.

**BACKGROUND:**

Since 2004, parking management staff have engaged the Parking Committee in research and analysis regarding the issues surrounding parking for persons with disabilities in Kelowna. This included best practices research in other communities, procedural review of parking pass issuance and a public workshop with stakeholders to define the issues and recommend actions to remedy perceived problems.

The need for a workshop emerged from discussions involving People in Motion, the Central Okanagan Access Awareness Team, the City's Parking Committee, City staff and specific direction from City Council. During these discussions, concerns were raised about the perceived unavailability of disabled parking spaces in key areas of the City, particularly the downtown core. Key questions emerged, such as:

- Are disabled parking spaces available to those who need them?
- Is the supply of spaces in Kelowna adequate for the City given its size?
- Is illegal use of permits (permits unlawfully attained or unlawfully used) a problem in Kelowna?
- While legitimate impairment extends beyond wheelchairs, and includes many disabilities that may not be visible in nature - is the eligibility requirement rigorous enough to ensure the limited handicapped parking stalls serve those most in need? Are there too many handicapped passes being issued for marginal cases?
- Is the use of designated handicapped parking spaces by drivers without permits a concern?
- Is it appropriate to have handicapped pass holders park free of charge in City owned pay stalls and facilities or does this encourage misuse of permits?
- Is there enough public awareness related to the impact of the abuse of the handicapped parking system?

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- Is the appropriate amount of resources being applied towards enforcement of handicapped parking policy and legislation?
- Is the physician's role in determining eligibility given the appropriate amount of weight in the overall pass issuance procedure? Does this overpower local control?
- Disabilities range widely in nature and therefore in need for differing types of parking accommodations. Are the technical specifications and types of parking spaces appropriate for the community's handicapped population?
- Are parking duration time limits appropriate for handicapped pass holders or should they remain unrestricted?

Discussion and analysis ultimately resulted in a number of key recommendations generally falling under the broad categories of: education; enforcement; permit system; and supply. The recommendations were refined and presented to various other groups and individuals for their evaluation and comments. The following actions have been taken on the recommendations.

1. That the City approach People in Motion, the Advisory Committee for People with Disabilities, SPARC and other interested groups and individuals for assistance in developing information programs aimed at specific groups, including the general public; persons who obtain permits (new permits and renewals); school students; City staff involved in the permit system; and physicians.

Actions:

SPARC BC publishes brochures on the correct use of permits. They are available in English, Spanish, Punjabi, Tagalog, and Mandarin, and are provided by SPARC BC. SPARC BC also publishes educational flyers, which can be placed on the windshields of vehicles that are incorrectly parked in designated accessible parking spaces.

SPARC BC does not produce any brochures or offer educational sessions specifically for physicians, other than the criteria listed on the application form itself which is deemed to be sufficiently clear.

2. That the City encourage SPARC to make use of the educational programs that are ultimately developed.

Actions:

This is an ongoing action and responsibility of SPARC.

3. That the City examine the possibility of expanding the system of penalties and fines currently in place for persons who use illegally City-issued disabled parking permits and City-owned disabled parking spaces.

Actions:

Fines and fees were reviewed and were similar or higher than most municipalities.

4. That the City instruct Bylaw Enforcement to organize and publicize a limited number (e.g., two) of two-week disabled parking enforcement "blitzes" each year.

Actions:

Enforcement of handicapped stalls in privately owned facilities e.g., mall and private business parking lots, is by practice only enforced on a complaints basis. As per No. 8 below, the downtown pay areas enforcement was transferred to the parking contractor and enforcement was significantly enhanced – every day.

5. That the City examine the possibility of establishing a bylaw specifically for disabled parking, in an effort to raise the profile of the system, and to focus attention of enforcement and other staff on disabled parking issues.

Actions:

Staff reviewed the current Ticket Information Utilization 1990 Bylaw No. 6550-89 which contains Section 4.2.1 (gg) "Parked in a Handicapped Zone Without a Permit", and evaluated the merits of creating an individual bylaw. No legal or other advantages were foreseen.

6. That the City conduct periodic and random audits of permits that have been issued by the City in order to ensure that they have been issued properly, that the holder continues to require the permit, and that the permit is being used as intended.

Actions:

Permits issued by the City of Kelowna are either temporary or valid for 3 years, after which they must be renewed through the same process. Any pass holder abuse is picked up at point of expiry.

7. That the City encourage SPARC to follow the same practice with respect to its permits.

Action:

SPARC issues and renews its permits on the same basis.

8. That the City examine the possibility and desirability of transferring enforcement responsibility for disabled parking to its Parking Management contractor.

Action:

Kelowna Parking was given the authority to enforce "parking without a valid handicap pass" infractions in January, 2008, for on-street downtown pay parking areas only. In the first month 45 tickets were issued, almost a fourfold increase from those issued the same month the previous year.

9. That the City require a \$100 deposit for every temporary parking permit issued, and that the deposit be refunded in full when the permit is returned at the end of the temporary permit period.

Action:

Each temporary parking permit has a clearly marked expiry date visible to enforcement officers and the public. A \$100 deposit was viewed as unnecessary due to the visible expiry date.

10. That the City encourage SPARC to follow the same practice for its temporary permits.

Action:

As per No. 9 above.

11. That the City modify its disabled parking permit application form to highlight the rules of use, and the consequences for misuse.

Action:

The applicant must sign in a section clearly indicating acceptance of the terms and conditions which includes the rules and consequences of misuse.

12. That the City encourage SPARC to follow the same practice with respect to its application form.

Action:

The SPARC form is similar to the City of Kelowna form.

13. That the City use signage to encourage permit holders to leave specific dedicated spaces (e.g., those with large dimensions) for persons in rear- or side-loader vehicles who require extra space to exit and enter their vehicles.

Action:

Descriptive signage is in place currently.

14. That the City conduct a review of local demand and demographics in an effort to determine whether Kelowna's current supply of on- and off-street disabled spaces is adequate.

Action:

Comparisons were made with communities of similar demographics and supply was deemed to be on par or greater than those communities.

15. That the City work with SPARC, People in Motion, the Central Okanagan Access Awareness Team and others to explore the potential of establishing a City of Kelowna Commission to review applications for City of Kelowna disabled parking permits (new and renewals), and to make all decisions to accept or reject applications for permits issued by the City based on a new standard of physical need.

Action:

Yet to be taken.

16. That the City liaise with SPARC and the City of Vancouver when designing and implementing the review.

Action:

Yet to be taken.

With the exception of the final 2, all the recommendations from the handicapped parking pass workshop have been addressed in some form. Despite addressing the vast majority of the items arising from the handicapped parking pass workshop, including stepped up enforcement, the shortage of stalls and high level of complaints still exists. The final 2 recommendations are perhaps the most substantial, and require significant re-engineering of the whole concept of handicapped parking pass eligibility criteria. Essentially, what the final 2 recommendations are saying is that supply of parking stalls is not the issue – that supply will never be enough if the eligibility criteria isn't tightened up. This requires the agreement and cooperation of the original creators and current managers of the handicapped parking pass program in B.C. – the Social Planning and Research Council of B.C. (SPARC).

To receive a handicapped parking pass placard, an individual has the option of applying directly at the City of Kelowna, or applying to the SPARC office in Vancouver. To a large degree, changing the requirements on the City application has little effect if a corresponding change is not made by SPARC. Already, the City of Kelowna requirements are more rigorous e.g., on the Kelowna form a physician is asked to give an opinion as to whether the applicant's ability to *walk 200 metres is rendered impossible or significantly burdensome*. The corresponding SPARC form requests the physician's opinion on whether the applicant can *walk 100 metres without risk to health and safety*. Further changing the City's requirements would have less and less impact unless SPARC follows suit.

Recommendations received in the workshop that would see a tightening of eligibility criteria included requiring the opinion of a registered physical therapist in addition to a physician, before a permit is approved. Other suggestions included a panel review of applications by a group of experts. All these recommendations need to be expanded and evaluated carefully.

**CONCLUSION:**

Based upon the implementation of the recommendations to date, and the lack of a clear solution through enforcement and other measures, it is recommended that the eligibility criteria of the handicapped parking pass itself be examined. Since this requires the cooperation of the Social Planning and Research Council working on behalf of the Province of B.C., it is recommended that Council ask both SPARC and the Provincial Government to cooperate in initiating this review.

**INTERNAL CIRCULATION TO:**


- Community Planning Manager
- Manager, Policy, Research & Strategic Planning
- Financial Services

Considerations that were not applicable to this report:

FINANCIAL/BUDGETARY CONSIDERATIONS: N/A  
LEGAL/STATUTORY PROCEDURAL REQUIREMENTS: N/A  
LEGAL/STATUTORY AUTHORITY: N/A  
EXISTING POLICY: N/A  
PERSONNEL IMPLICATIONS: N/A  
TECHNICAL REQUIREMENTS: N/A  
EXTERNAL AGENCY/PUBLIC COMMENTS: N/A  
ALTERNATE RECOMMENDATION: N/A

Submitted by:

  
for Ron Westlake  
Transportation Manager

Approved for Inclusion:  John Vos, Director of Works/Utilities & Corporate Services

cc: Director, Financial Services