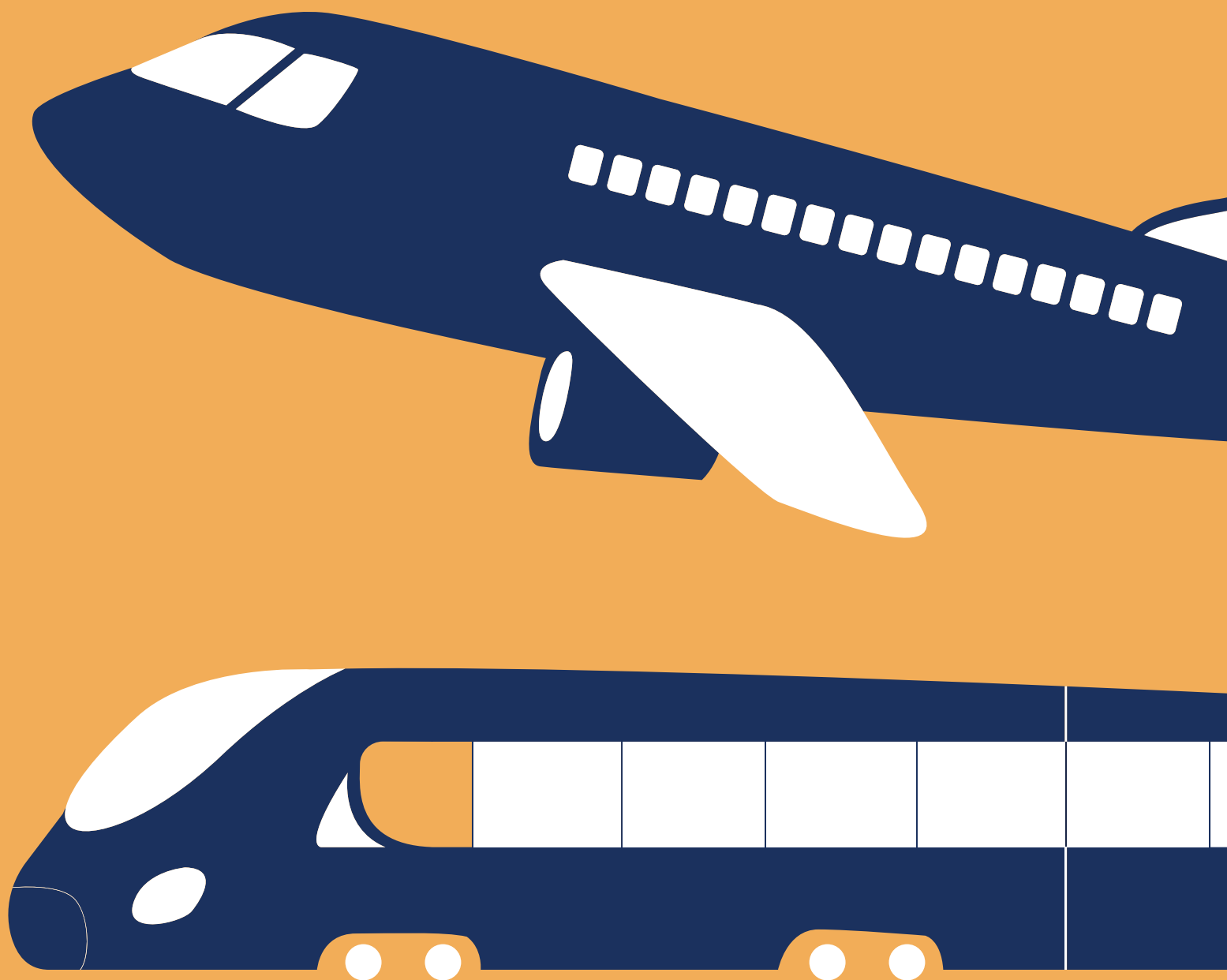


TRANSPORTATION WORKS



A Texas State Independent Living Council Report



Transportation Works is a project of the Texas State Independent Living Council

Financial support for the Transportation Works project is provided by the Texas Council for Developmental Disabilities, with Federal funds made available by the United States Department of Health and Human Services, Administration on Disabilities. \$100,000 (75%) DD funds; \$33,333 (25%) non-federal resources.



The views contained herein do not necessarily reflect the position or policy of the funding agency[s]. No official endorsement should be inferred.

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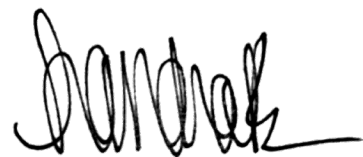
Letter from Texas SILC

People with disabilities, advocates, and transportation professionals have gathered together, both in-person and virtually, and all across Texas for the last four years to discuss the critical topic of accessible transportation. This dedicated group has spent thousands of hours collaborating to bring greater awareness and conversation to the complex issue of accessible transportation, across all modes, in a geographically and culturally diverse state like Texas.

I welcome you to review some of the top policy recommendations for consideration and the day-to-day-perspectives of Texans with disabilities this document holds. The unique and most important element of this project is that it was led by and guided by the expertise of those most impacted by these recommendations, people with disabilities. We appreciate the support of Accessible Transportation Summit (ATS) Project Advisory Committee members, ATS Consumer Advocates in Transportation, Texas Centers for Independent Living, the Texas Council for Developmental Disabilities, and the Texas State Independent Living Council's board of directors and staff. Without your support and input, this would not be possible.

Please visit our website, txsilc.org, to view the accompanying recording of the 5th Annual Summit, Transportation Works: Hitting the Pavement at the Intersection of Advocacy and Independence!

Best,



Sandra Breitengross Bitter
Executive Director
Texas State Independent Living Council

Transportation Works: Project Overview



What is the Texas Independent Living Network?

The Texas Independent Living Network consists of the Texas State Independent Living Council (Texas SILC) and 27 Centers for Independent Living that provide direct services for Texans with disabilities. Independent Living services are cross-disability services that empower and enable Texans with disabilities to exercise full choice and control over their lives and to live independently in their communities.

Texas SILC is a federally-authorized, private, non-profit organization that focuses on monitoring, coordinating, and evaluating the State Plan for Independent Living, which provides a framework for services for Texans with disabilities. The Governor appoints Texas SILC members, of which a majority are people with disabilities, to lead the organization. Texas SILC's funding is a combination of public and private funds.

Centers for Independent Living (CILs) are private, community-based, cross-disability, non-residential, and non-profit agencies that provide an array of Independent Living services. Services reduce the need for long-term care and are based on individual needs and goals. The Texas Independent Living Network strives to promote the leadership, empowerment, independence, and productivity of persons with disabilities and integration and full inclusion into their chosen community.

The following are the 27 Centers for Independent Living that serve Texas.

- ABLE Center for Independent Living Center
 - ARCIL, Inc.
 - ARCIL San Marcos
 - ARCIL Round Rock
 - Brazos Valley Center for Independent Living
 - CBFL/Brazoria County Center for Independent Living
 - CBFL/Fort Bend Center for Independent Living
 - CBFL/Houston Center for Independent Living
 - Coastal Bend Center for Independent Living
 - Crockett Resource Center for Independent Living
 - Disability In Action, Inc.
 - East Texas Center for Independent Living
 - Heart of Central Texas Independent Living Center, Inc.
 - Lifetime Independence for Everyone, Inc.
 - Lifetime Independence for Everyone, Inc.
 - Mounting Horizons Inc.
 - Palestine Resource Center for Independent Living
 - Panhandle Independent Living
 - REACH of Dallas Resource Center on Independent Living
 - REACH of Denton Resource Center on Independent Living
 - REACH of Fort Worth Resource Center on Independent Living
 - REACH of Plano Resource Center on Independent Living
 - RISE Center
 - San Antonio Independent Living Services
 - Valley Association for Independent Living-Rio Grande Valley
 - Valley Association for Independent Living-South Texas
 - Volar Center for Independent Living
-

The Texas State Independent Living Council (SILC) follows the Independent Living philosophy and through this project, *Transportation Works*, has identified services, infrastructure, and other barriers to the use of existing public transportation in urban, small urban, and rural Texas areas through the input of individuals with disabilities and transportation experts and providers.

Understanding barriers to the use of accessible public transportation and the ability to collaborate on solutions helps mend the overall employment gap and daily living activities that hinder independence.

The *Transportation Works* project successfully:



Solicited the participation and involvement of transportation partners, passengers, consumers, advocates, human service and assistive technology providers, and other stakeholders through surveys, work groups, and regional and statewide summits, to identify transit barriers for individuals with disabilities in Texas;



Published a report on the findings and included feedback and information gathered from regional and statewide summits and work group discussions. This final summit and report also provides: personal transportation stories of Texans with disabilities that support the proposed transportation policies.

Ultimately, *Transportation Works* **contributes to regional and statewide transportation planners' ability** to incorporate the needs of Texans with and without a disability in future transit planning activities and systemic change by collaborating with other transportation stakeholders in regional and statewide summits.

Transportation providers', State and local agencies', and advocates' cooperation and contributions in the arena of accessible transportation improves access, functional use, and sustainability of new and existing transportation services.

The following is a brief overview of the five, statewide transportation summits.

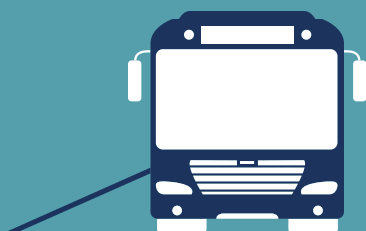
1. *Transportation Works: Identifying and Removing Barriers through Innovation—Austin, Texas (Travis County; March 1, 2018; 137 participants).*



Speakers from the first transportation summit include:

Texas A&M Transportation Institute, Uber, Lyft, Disability Rights Texas, Austin Transportation Department, Parking Mobility, Texas Department of Transportation, Fare, Austin Ride, Brazos Valley Center for Independent Living, Drive a Senior Volunteer Program, Capital Metro, ATX Coop, Yellow Cab.

Topics discussed include:



Emerging issues and advances in accessible transportation



Changing demographics in Texas



Prioritizing accessibility improvements at transit stops



Using new technology to assist in transit navigation



- Transportation network companies (TNCs) opportunities and challenges
- Automated vehicles and the future for accessible transportation
- Austin's strategic mobility plan
- Developing a transportation plan that accommodates today's needs and tomorrow's options
- Developing a regional active transportation plan for a safe, well-connected transportation network of trails, sidewalks, bike lanes and streets
- Accessible transportation collaboration and developing non-traditional partnerships
- TNCs and leveraging technology to increase mobility
- Consumer advocacy in transportation
- Taxi services and recent innovation that increase mobility

**2. *Transportation Works:
Collaboration and
Connectivity—Waco, Texas.***
**(McLennan County; January 24-
25, 2018; 115 participants)**



Speakers from the second transportation summit include:

Texas A&M Transportation Institute, Uber, Lyft, Disability Rights Texas, All Wheels Up, National Aging and Disability Transportation Center, Easter Seals, Texas SILC, Texas Council for Developmental Disabilities, Brazos Valley Center for Independent Living, Coastal Bend Center for Independent Living, Consumer Advocates in Transportation, Texas State Representative.

Topics discussed include:



Innovations in accessibility
for aircraft travel



TNCs and leveraging technology to
increase mobility



The ADA and
transportation advocacy

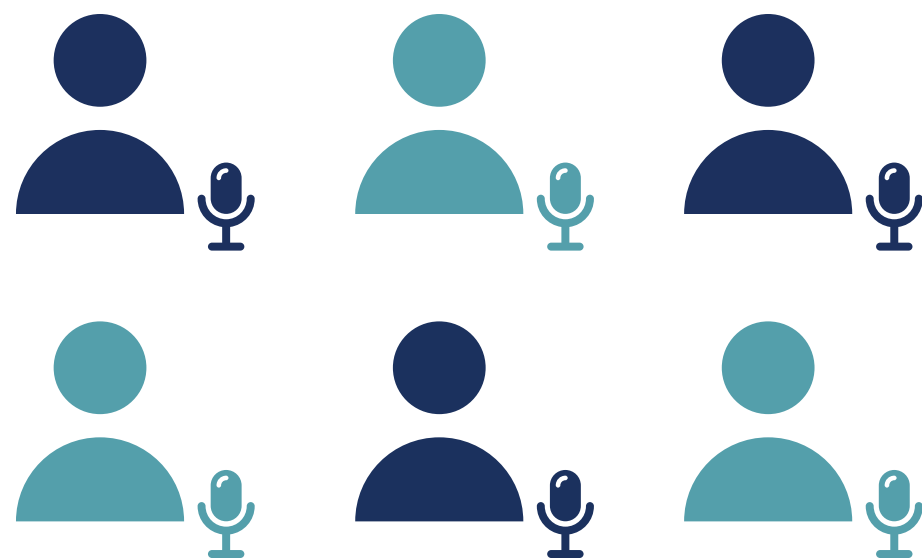


Accessible transportation
collaborations and developing
non-traditional partnerships



The importance of data driven advocacy
creating accessible community
transportation in our nation

**3. *Transportation Works:
Working Transportation for a
Diverse Community—McAllen,
Texas (Hidalgo County; March
20-21, 2019, 104 participants).***



Speakers from the third transportation summit include: Valley Association of Independent Living, Texas Council for Developmental Disabilities, Texas SILC, Federal Emergency Management Agency, Texas A&M Transportation Institute, Texas Department of Transportation, Texas Central Partners, and Rehabilitation Council of Texas.

Topics discussed include:



Accessible transportation during a national disaster



Innovation in accessible transportation and demand response service



Texas Department of Transportation's blueprint to transportation accessibility



Using data to drive advocacy in Rio Grande Valley



Accessibility in new transportation systems



Transportation advocacy and the different effective methods that work for you

4. *Transportation Works: Stop, Collaborate and Listen—Galveston, Texas (Galveston County; January 15, 2020; 117 participants).*



Speakers from the fourth transportation summit include:

Association of Programs for Rural Independent Living, Texas Representative for the House Transportation Committee, The Arc of Texas, Texas Department of Licensing and Regulation, Emergency Preparedness Advisory Commission, Valley Association for Independent Living, and Governor’s Committee on People with Disabilities, City Council Representative

Topics discussed include:



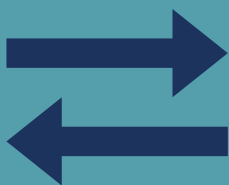
Transportation Network Companies (TNCs) State rules and regulations



Accessible transportation for emergency management

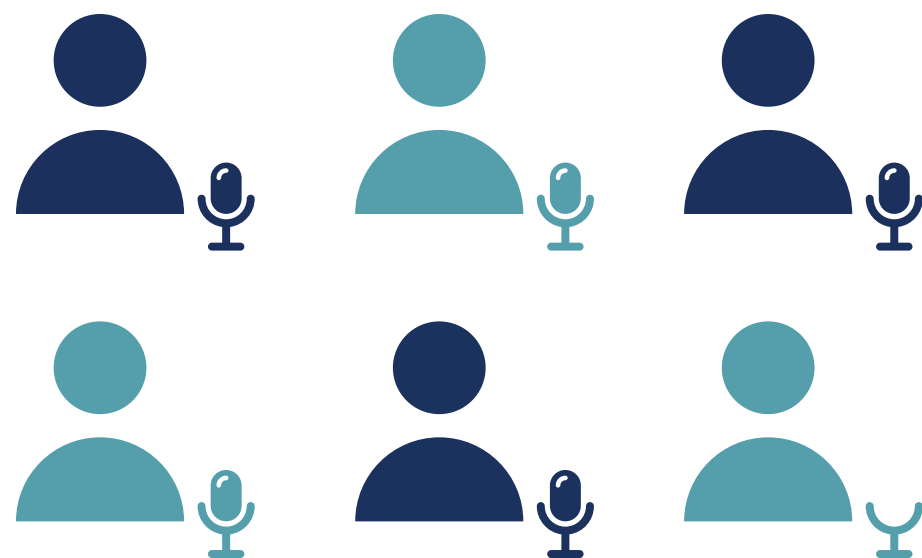


Disability representation on local and statewide transportation boards, committees, and commissions



Regional Coordination

5. *Transportation Works: Hitting the Pavement at the Intersection of Advocacy and Independence:* Austin, Texas (Travis, County; January 25, 2021)



Speakers for the fifth transportation summit include: The Arc of Texas, Texas Advocates, Brazos Valley Center for Independent Living, Capital Metro, Coastal Bend Center for Independent Living, Mounting Horizons Center for Independent Living, LIFE/RUN Inc., Panhandle Independent Living Center, Texas Council for Developmental Disabilities, and Texas SILC.

Topics to discuss include:



Effective self-advocacy and policy advocacy



Administrative and legislative recommendations to remove barriers to accessible transportation



Personal accessible transportation stories and impact statements

Policy Recommendations



Texas State Independent Living Council Recommended Administrative/ Regulatory Actions

Executive Summary

The purpose of the following document is to provide an analysis of pending administrative/regulatory recommendations made by the Texas State Independent Living Council (SILC) in consultation with Centers for Independent Living (CIL) and Texans with disabilities. These recommendations help address accessibility and representation for the over three million Texans with disabilities and the organizations providing Independent Living services in the State of Texas. Technical assistance on the following recommendations is provided by the Texas A&M Transportation Institute (TTI).

Recommendation/ Intent	Implementation	Addressing Concerns
Create Accessible Transportation Advisory Board – Enhances visibility and understanding of key design issues through the eyes of those most affected.	Modification to Texas Transportation Code Chapter 455 and Texas Administrative Code Title 43; membership of affected Texans and agencies	Minimal administrative burden if positions are voluntary; designed to address system-wide accessibility issues resulting in positive fiscal impact
Improve Transportation Networks Company (TNC) access to Texans requiring the use of a fixed-frame wheelchair.	Modification to Texas Transportation Code 643 and Texas Occupations Code 2402 including minimal performance standards and a funding mechanism	Likely strong pushback from TNCs that is offset by the improved service to Texans with disabilities and the provision of a funding mechanism to offset the cost of accessible vehicles

Continued on following page

Recommendation/ Intent	Implementation	Addressing Concerns
Expand eligibility for accessible parking placards to organizations that provide independent living services.	Modification to Chapter 681 of Transportation Code	Minimal likelihood of abuse with limited applicability; places organizations providing independent living services on equal footing with residential facilities and expands coverage to both people with disabilities and the aging population
Extend eligibility for paratransit service to visitors from 21 days to 60 days – Improve accessibility for Texans with disabilities.	Modification to Chapter 461 of Transportation Code	Minimal administrative burden to provide a more reasonable level of access to paratransit programs
Improve STEAR Program – enhanced outreach, require County record custodians, and extend retention from 2 to 3 yrs.	Administrative modification of TDEM STEAR procedures	Minimal administrative burden to provide an improved data set for emergency planning, better outreach, and local access
Establish tracking of applications by Texans with disabilities made to Governor’s Office, Appointment Division – Maintains visibility of this segment of the Texas population in crucial policy roles.	Administrative modification of Appointment Office procedures	Minimal administrative and reporting burden to potentially enhance the representation of Texans with disabilities

Introduction

These recommendations intend to help improve the opportunities for independent living, facilitate access to the workforce for more Texans, and improve the quality of life for people with disabilities.

- The recommended changes include:
- Establishing an Accessible Transportation Advisory Board for transportation issues affecting Texans with disabilities.
 - Providing a requirement and a funding mechanism to increase access to transportation network company services serving Texans with disabilities with performance requirements.
 - Allowing organizations providing independent living services to apply for institutional accessible parking placards.
 - Extending the eligibility period for qualified Texans visiting an area away from home from 21 days to 60 days.
 - Extending the time STEAR records are retained in the system from two years to three years, enhance outreach, and require county data custodians.
 - Tracking the appointment of Texans with disabilities to various Boards, Committees, and Commissions.

Considerations to be discussed will include possible funding impacts, likely support/opposition, and administrative issues. It is important to note that the recommended changes are intended to support other elements of Texas State Law and the Americans with Disabilities Act (ADA) and are not intended to supersede or replace these requirements.

Background

In addressing issues associated with Texans with disabilities, it is essential first to understand the scale of the impact on our communities. A recent study completed by the Texas Workforce Investment Council¹ provides a wealth of information regarding the breadth and depth of the contributions and challenges experienced by people with disabilities.

¹ People with Disabilities: A Texas Profile, Texas Workforce Investment Council, March 2019 Update. (https://gov.texas.gov/uploads/files/organization/twic/Disabilities_Profile.pdf)

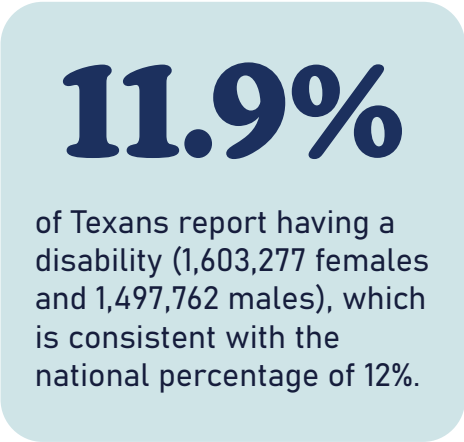
One of the first challenges is defining what a “disability” is. There are many definitions of disability. It is important to remember that disability, in this context, is a legal term rather than a medical one and because it has a legal definition, that definition is different in different laws. Just about every federal law that mentions disabilities has a different definition of disability. For example, the Americans with Disability Act (ADA) defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. For the data presented below, the definition for an individual with a disability is defined as follows:

“Individuals are considered to have a disability if they report having serious self-care, hearing, vision, independent living, ambulatory, or cognitive difficulties on the 2017 American Community Survey (ACS).”

The overall number of Texans with disabilities exceeds three million (approximately 11 percent of the state population). It is crucial to understand how this is distributed.

Facts regarding People with Disabilities: American Community Survey (2019)

Texas Population

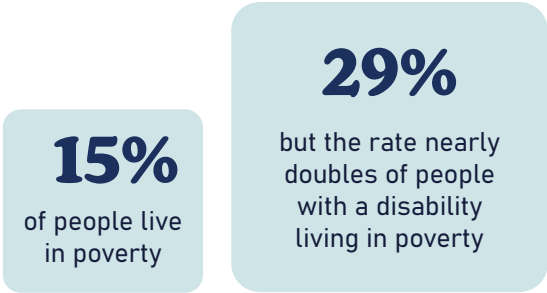


- There is an **18.2 year difference in life expectancy** for people with a disability compared to those people without a disability.

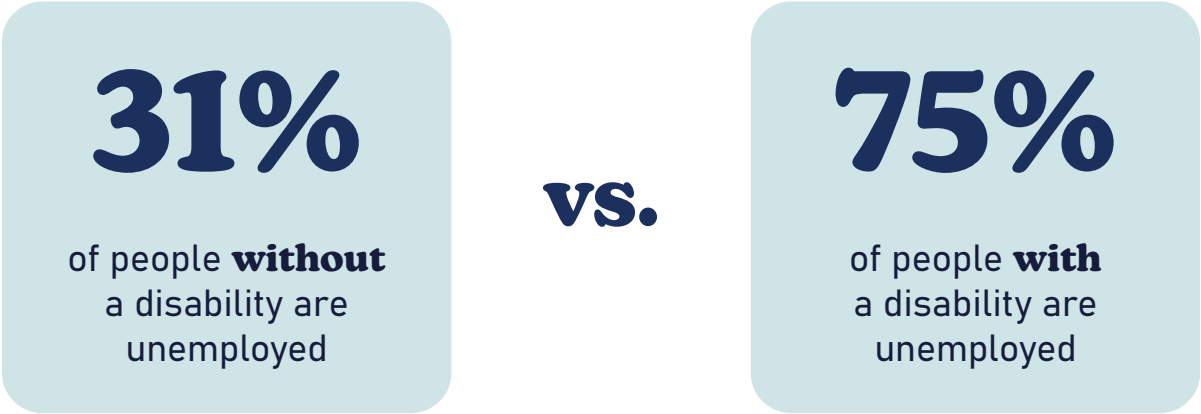


Income Disparity

- Slightly over half of people with a disability have an annual household income of \$25,000 or less compared to 15% of people without a disability.
- 12% of people have a disability in America yet they account for more than half of people living in poverty.



Employment Disparity





Establishment of an Accessible Transportation Advisory Board

Texas Department of Transportation (TxDOT) is responsible for implementing a broad range of transportation infrastructure improvements ranging from highways to public transportation and sidewalks. These improvements have an enormous impact on all Texans and the needs of Texans with disabilities in particular. While TxDOT has many forums and opportunities for public input and an advisory committee on public transportation, the agency has no regular advisory group to address these issues specifically and their impact on Texans with disabilities. Like all state agencies, TxDOT is governed by state and federal laws regarding disability access, and it also has an immense ability to impact this group of Texans. An example of an advisory committee (Public Transportation) is found in the Texas Transportation Code, Chapters 461² and the Texas Administrative Code Title 43, Part 1, Chapter 1, Subpart F (TxDOT Advisory Committees)³.

Intent: Establish an accessible transportation advisory board in TxDOT to ensure inclusive cross-coordination of accessibility issues among Texans with disabilities and aging populations and advise TxDOT leadership on proactive implementation.

Implementation: Modify the Texas Transportation and Administrative Codes (Modelled after the PTAC) to provide the Advisory Board with reporting responsibilities to the Civil Rights Division and the Executive Director. The Board should be cross-disability focused and made up of individuals with disabilities or representatives of aging and/or disability advocate organizations. Ex-officio members should include representation from the Health and Human Services Commission, Texas Workforce Commission, Texas Department of Licensing and Regulation, and the Governor's Committee on People with Disabilities. Specific directions would include meeting at least quarterly to review and provide input on current and upcoming projects, services, rules, long-term planning, and initiatives to ensure universal design and full accessibility for the aging and

² Texas Transportation Code, Chapter 455 (<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.455.htm>)

³ Texas Administrative Code, Title 43, Part 1, Chapter 1m Subchapter F ([https://texreg.sos.state.tx.us/public/readtac\\$ext.View-TAC?tac_view=5&ti=43&pt=1&sch=1&sch=F&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.View-TAC?tac_view=5&ti=43&pt=1&sch=1&sch=F&rl=Y))

disability community.

Addressing Concerns: Possible concerns include administrative burden to TxDOT staff and costs if the advisory board or committee is allowed paid expenses or stipends, which is optional. There will be a minimal fiscal impact if the advisory committee consists of voluntary members. The possible administrative burden is offset by the improved direct communication with the aging population and people with disabilities, significantly improving the delivery of services. While this advisory board was not expressly mandated in the most recent Sunset Advisory Commission report⁴, the need for improved public participation/input was identified as an area for TxDOT improvement. If a paid advisory committee is determined to be the best approach, a fiscal note may be required if TxDOT currently cannot absorb such costs.



Transportation Network Company (TNC) Access for Disabled Riders (Fixed-Frame Wheelchairs)

TNCs have provided many opportunities for riders to access jobs, shopping, and entertainment conveniently. The on-demand service can be convenient and has become more of the norm for consumers and is a base expectation among those with financial means and physical ability. Riders can summon a ride via their smartphone and track the arrival of the driver. There is also a distinct safety opportunity offered by the access to TNCs particularly late at night. The use of TNCs to avoid the risk of driving when fatigued or after drinking is a norm in some quarters (anecdotally among younger Texans) and has the potential to make our roads safer for all. Drivers have the opportunity to use their personal vehicles to provide income, and many are linked to multiple services. These personal vehicles rarely offer the means to accommodate a fixed-frame wheelchair.

⁴ Sunset Advisory Commission, Staff Report with Final Results, Texas Department of Transportation, 85th Legislature, 2016-2017. (<https://www.sunset.texas.gov/reviews-and-reports/agencies/texas-department-transportation>)

This convenience has limited availability for those with disabilities – particularly those requiring a fixed frame wheelchair to meet their mobility needs. The paratransit services offered by transit authorities as an alternative often require 24-hour advance notice and a broad window for pickup, drop-off, and the return trip. They also do not usually have the same window of service (late night, weekends) often offered by TNCs. Providing the ability for Texans with disabilities requiring a fixed-frame wheelchair to use TNC services would be a great opportunity and provides the potential for an increased quality of life.

Faced with various rules in different Texas communities, the State assumed sole regulatory authority over TNCs⁵, and the Texas Department of Licensing and Regulation (TDLR) was charged with enforcement⁷. Previous policy testimony by Texas Transportation Institute before the Texas Senate Committee on Business and Commerce⁸ provides additional background.

A consideration in building this opportunity is the role TNCs have played and could play in the future in partnership with transit authorities. Areas with a low density of trips are costly to serve with traditional fixed-route transit and paratransit. A lower-cost alternative for both types of trips could open opportunities for a larger number of trips to justify the provision of accessible vehicles.

A pilot program was established in Texas in 2017 to track demand for wheelchair access and to require identification of an alternative provider for accessible transportation. The pilot program expired on January 1, 2020.

Critical to addressing improving access to TNCs for people with disabilities is to increase the density of vehicles capable of transporting fixed-frame wheelchairs available to the TNC driver base. Doing so provides the opportunity for this segment of Texans with disabilities to have access to the same service in the same way as others. While this may be resolved in the future by a federal mandate under the ADA requirements, this recommendation could provide a more immediate path that would provide a means of making the service for

fixed-frame wheelchair users more profitable/affordable within the current service delivery models and establish Texas as a leader in improving access to TNCs for people with disabilities. The recommendation is to pair a small surcharge to ambulatory rides to provide accessible vehicle purchase/lease funding for use by the TNC driver community.

Intent: Provide equitable TNC service for both ambulatory and non-ambulatory riders by providing sufficient on-demand wheelchair accessible vehicles (WAVs). Within the context of current delivery models, provide a requirement (or possible modification to pilot program) for service to riders with fixed frame wheelchairs paired with a means to fund the additional costs to the TNC and their driver base, increasing the availability of this transportation mode to Texans with disabilities.

Implementation: Modify Transportation Code, Chapter 643, and Occupations Code, Chapter 2402 to require the provision of similar service levels for riders using fixed frame wheelchairs. Specific recommendations include:

1. TNCs are to provide equitable, accessible services to customers who use fixed-frame wheelchairs that are reasonably comparable to non-WAV services in terms of availability, cost, and responsiveness;
 - a. If a TNC provides any service within the top ten most populous cities in the State (and/or within a 50-mile radius of a commercial airport), WAVs must be available with a wait time of 20 minutes or less;
 - b. TDLR should work with stakeholders to expand TNC WAV services beyond the initial ten cities to serve more regions of the State in the next biennium.
2. If the TNC purchases, maintains, or leases a fleet of vehicles, a minimum of five percent of their fleet must be WAVs;
3. Through rulemaking, establish a service fee on all completed TNC rides in the top ten most populated cities in the State that is contributed to a centralized fund (i.e., similar to the Texas Universal Service Fund for

⁵ Texas Transportation Code, Chapter 643 (Effective December 1, 2017) (<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.643.htm>)

⁶ Texas Occupations Code, Chapter 2402 (Effective May 29, 2017) (<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.2402.htm>)

⁷ Regulation 16 Texas Administrative Code, Chapter 95 (Effective February 15, 2019) (<https://www.tdlr.texas.gov/tnc/tn-crules021519.pdf>)

⁸ Testimony by Ginger Goodin and Maarit Moran, Texas A&M Transportation Institute to the Texas Senate Committee on Business and Finance, March 14, 2017 (<https://policy.tti.tamu.edu/wp-content/uploads/2017/03/TTI-PRC-TNCs-SBC-031417.pdf>)

telecommunications services) that TNCs may request reimbursement from for the cost of providing WAV services in those markets; and

4. TNCs and Texas Legislature should further study how public and private driver incentives can lower the cost of owning and operating a WAV to provide expanded access to passengers who use fixed-frame wheelchairs.

Addressing Concerns: In the past, efforts of this type have drawn national-level interest from the TNC community. The provision of a funding mechanism to acquire/lease accessible vehicles could offset criticism for the requirement. The potential for expanded markets (a broader cross-section of Texans and transit authorities) may address previous concerns. The recommendation is bracketed to urban areas. Potentially changing the radius or specifying specific urban areas for a pilot program could further the initial implementation.



Accessible Parking Placards for Organizations that Provide Independent Living Services

CILs (and other organizations that provide independent living services) often provide transportation support for consumers to medical appointments, work, and daily activities. This service can be provided by staff or volunteers. The use of accessible parking (codified and known as disabled parking) spaces can significantly increase facilities' accessibility by those with mobility challenges as they are transported for work, shopping, and medical needs.

Section 681.032 of the Texas Transportation Code⁹ provides for the issuance of accessible parking/disabled parking placards to residential facilities serving the aging population/elderly. This limits CILs and other organizations' ability to

⁹ Texas Transportation Code, Chapter 681 (<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.681.htm>)

provide independent living services to have this access as they both do not have residential facilities and serve a population that includes Texans of all ages.

Intent: This recommendation would allow better service to all independent living consumers, bring parity with residential facilities, and help to address the broader range of consumers served. The staff and volunteers (many of whom may have limited ability to assist consumers over longer distances) will have the ability to deliver services better.

Implementation: This change could be implemented with text changes similar to that which is shown below:

Sec. 681.0032. ISSUANCE OF DISABLED PARKING PLACARDS TO CERTAIN INSTITUTIONS. (a) The department shall provide for the issuance of disabled parking placards described by Section 681.002 for a van or bus operated by an institution, facility, or residential retirement community for the elderly in which a person described by Section 504.201(a) resides, including an institution licensed under Chapter 242, Health and Safety Code, **[and]** a facility licensed under Chapter 246 or 247 of that code, and **a center for independent living as described by Section 117.001 (1-a), Human Resources Code as well as other organizations providing independent living services.**

(b) The application for a disabled parking placard must be made in the manner provided by Section 681.003(b) and be accompanied by a written statement signed by the administrator or manager of the institution, facility, **[or]** retirement community, **center for independent living, or other organizations providing independent living services** certifying to the department that the institution, facility, **[or]** retirement community, **center for independent living, or other organizations providing independent living services** regularly transports, as a part of the services that the institution, facility, **[or]** retirement community, **center for independent living, or other organizations providing independent living services** provides, one or more persons described by Section 504.201(a) who reside in **or is served by** the institution, facility, **[or]** retirement community, **center for independent living, or other organizations providing independent living services**. The department shall determine the eligibility of the institution, facility, **[or]** retirement community, **center for independent living, or other organizations providing independent living services** on the evidence the applicant provides.

Added by Acts 1999, 76th Leg., ch. 513, Sec. 2, eff. September 1, 1999.¹⁰

Addressing Concerns: There is a legitimate concern for the possible abuse of accessible parking/disabled parking placards. This concern is limited by the number of CILs and other organizations providing independent living services in the State. Providing this access increases the independence and community access of Texans with disabilities. This may also enhance driver safety for those assisting consumers with the use of these designated spaces.



Paratransit Eligibility - Extension of Outside Jurisdiction Eligibility from 21 days to 60 days

Texans with disabilities eligible to access paratransit services with one transit authority are eligible to use another authority's services for 21 days (defined in Texas Transportation Code, Chapter 461¹¹). While agencies often allow the use of the services while an application is pending, the process takes time to complete, including coordinating with personal physicians and sometimes a personal visit. Work, medical treatments, and providing support to families away from home can easily extend beyond 21 days. If it should extend beyond 60 days, it is reasonable to assume the service recipient is likely a "permanent" resident needing to establish eligibility.

Intent: Provide Texans with disabilities an increased window of 60 days (from 21 days) to utilize paratransit services while visiting outside of their home transit authority. A sixty-day window will enhance the ability of Texans with disabilities to move about our great State with ease and without further restriction.

Implementation: This change could be implemented with text changes similar to that which is shown below:

¹⁰ Texas Human Resources Code Chapter 117 (<https://statutes.capitol.texas.gov/Docs/HR/htm/HR.117.htm>)

¹¹ Texas Transportation Code Chapter 461 (<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.461.htm>)

Sec. 461.009. PUBLIC TRANSPORTATION SERVICES FOR PEOPLE WITH DISABILITIES. (a) In this section:

(1) "Provider" means a public transportation provider that provides public transportation services designed for people with disabilities who are unable to use the provider's bus or rail services.

(2) "Services" means public transportation services provided by a public transportation provider and designed for people with disabilities who are unable to use the provider's bus or rail services.

(b) A provider shall determine if an individual who resides outside of the provider's service area and who seeks to use the provider's services while visiting the provider's service area is eligible to use the services not later than two business days after the date the individual gives the provider the appropriate notice and submits any required documentation.

(c) To the extent practicable within available resources, a provider shall notify individuals who are certified by the provider as eligible to use the provider's services that the individuals are entitled to use another provider's service for not more than **60 [21]** days without an additional application.

Addressing Concerns: Overall, this policy change is believed to be cost-neutral. This change may impact transit authorities through a modest increase in operations and administrative costs associated with changing policies and websites. It may also decrease some administrative costs if fewer applications must be processed. Assuming the riders would be approved, these are trips for which the riders would be eligible anyway.



State Emergency Assistance Registry (STEAR) - Require Additional Outreach, Require Counties to Designate and Train Data Custodians, and Extend Time for Record Maintenance

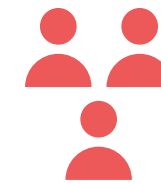
The State of Texas Emergency Assistance Registry (STEAR) is a registry of Texans who may need assistance during an emergency event. STEAR¹² is implemented by the Texas Division of Emergency Management (TDEM) and is a tool for local/state agencies in planning their response to emergencies such as hurricanes and other natural or man-made disasters (all-hazards). It is a voluntary registry that does not guarantee a response in the case of an emergency and is not a substitute for individual or family emergency planning. STEAR is a planning tool and is not designed to be used operationally during emergencies. Current procedures remove names from the registry after two years. If not renewed, there is a possibility that the data may not be fully representative of the disability population or those with access and functional needs during an emergency. For local agencies to use STEAR as a planning tool, a data custodian must be designated by the county. Unfortunately, not all Texas areas have access to this vital information because they have not taken the crucial step of assigning this role. Also, additional outreach is needed by TDEM to encourage higher participation levels, accurate data collection, and the use of this information in planning for emergencies.

Intent: This recommendation extends the time of retention from two years to three years, requires enhanced outreach, and requires all counties to name a data custodian.

Implementation: This is an administrative program that is not codified. STEAR is an administrative enhancement at the discretion of TDEM.

¹² Handbook for the State of Texas Emergency Assistance Registry, TDEM, November 18, 2019 (<https://tdem.texas.gov/wp-content/uploads/2019/11/STEAR-HANDBOOK.pdf>)

Addressing Concerns: There may be concerns regarding administrative costs with the process change. These concerns must be weighed against the risk of having a valid registrant drop off the list. This listing will not necessarily drive individual calls for service in a community but will help ensure sufficient capacity for those calls to be served by adequate resources. The enhanced outreach will expand participation, and the data custodian will ensure state and local access to the information.



State of Texas Advisory Committees - Enhanced Participation by Texans with Disabilities

Having participation by Texans with disabilities throughout the decision-making process will enhance the recommendations made and improve their suitability for all Texans. Some committees have a requirement to have representation by Texans with disabilities (e.g. Texas SILC, Governor's Committee on People with Disabilities, Texas Council for Developmental Disabilities, and others). The Governor's Office, Appointments Division manages the appointed members of these various entities. There is no means of tracking the status or impact of a disability on the lives of potential appointees for the broad swath of appointments that must be made.

Intent: This recommendation requests the Governor's Office, Appointment Division to modify their appointment application to provide applicants the opportunity to self-identify as having a disability. This recommendation is not a required number of appointments but is a tool for awareness of Texans with disabilities in the process.

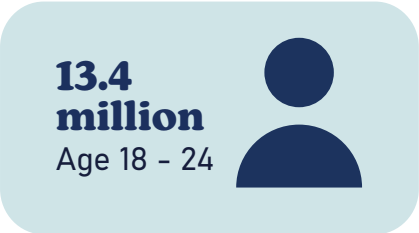
Implementation: This is an administrative change at the discretion of the Governor's Office.

Addressing Concerns: There would be limited if any fiscal impact in adding a field to the application and possibly reporting statistics on appointments. While there may be some concern there is an implied quota, the mere tracking of this statistic does not change our elected leaders’ discretion to make these selections as they see fit. The awareness of an applicant’s disability status may or may not influence their selection, but it would provide a degree of visibility. A person who has a disability but does not want to self-identify would be in no way required to do so.

Bureau of Transportation Statistics: Travel Patterns of American Adults with Disabilities (2019)

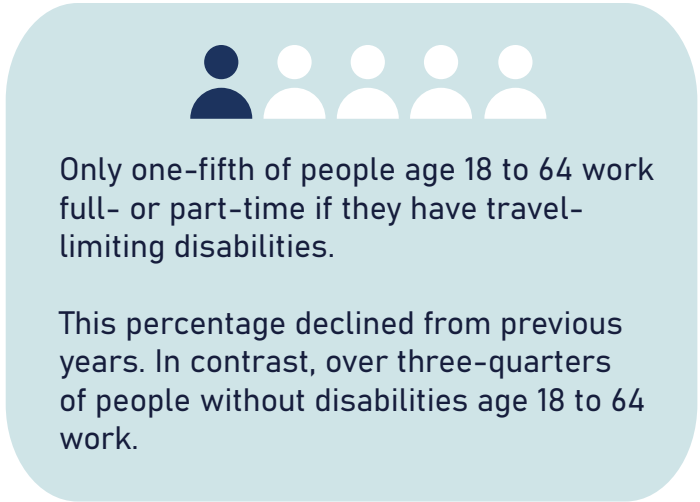
Travel-Limiting Disabilities

25.5 million { Americans age 5 and older have self-reported travel-limiting disabilities.



3.6 million Americans with travel-limiting disabilities do not leave their homes.

Household Demographics and Vehicle Ownership



- Slightly over half of people age 18 to 64 with disabilities live in households with annual household incomes under \$25,000 versus 15 percent of people without disabilities.
- Over one-fifth of non-workers and 12 percent of workers age 18 to 64 with disabilities live in zero-vehicle households.

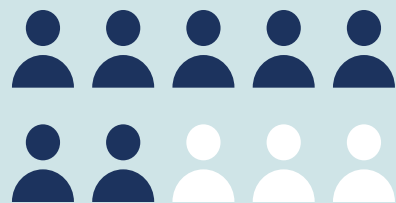
Trip Frequency

Regardless of age, people with disabilities make fewer trips per day on average than people without disabilities. The daily trip rates for people with disabilities and without disabilities has declined over time.



Workers with disabilities age 18 to 64 make fewer trips compared for workers without disabilities.

This pattern is consistent for non-workers with disabilities compared to non-workers without disabilities.



7 out of 10 respondents with disabilities reduce their day-to-day travel because of their disabilities.

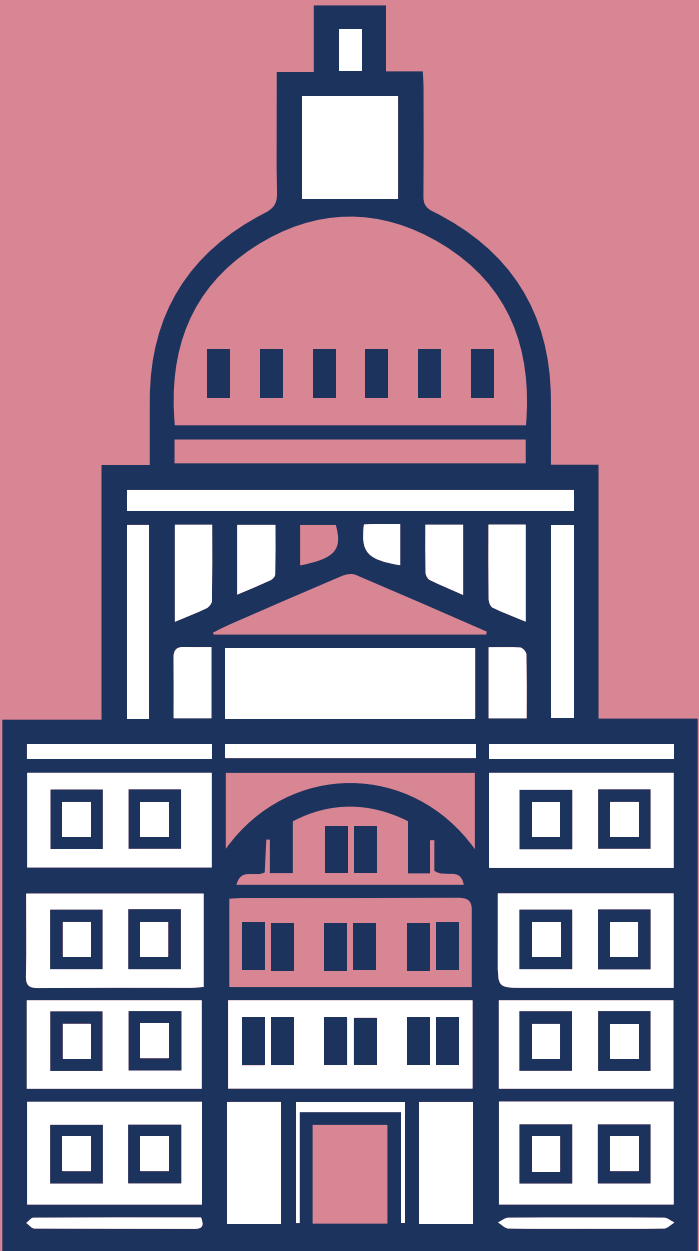
According to the Texas Workforce Commission, the average cost of ownership of a wheelchair accessible vehicle is **\$60,000**.

Mode Share

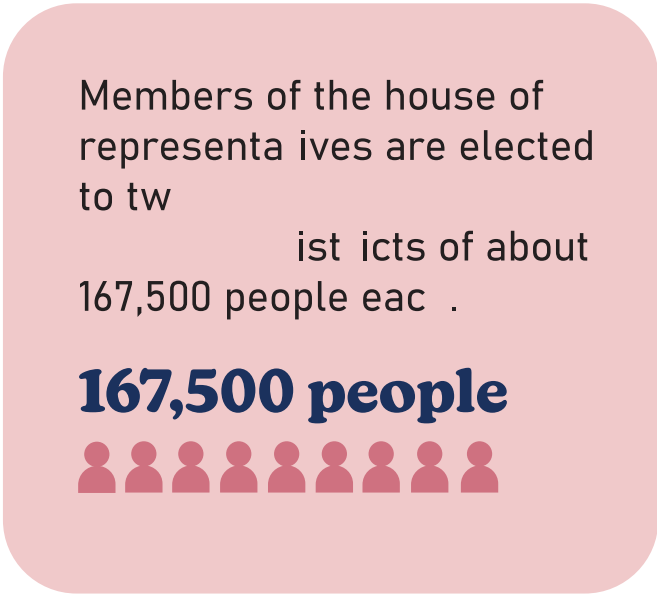
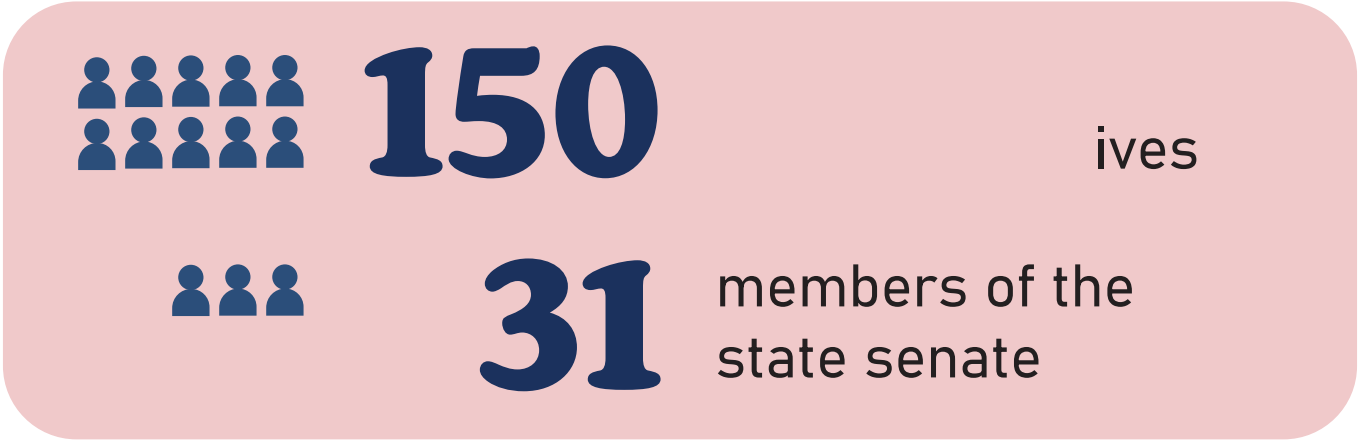
Regardless of age, people with disabilities travel by personal vehicles—as drivers or as passengers—for a smaller share of trips than people without disabilities.

People with disabilities age 18 to 64 travel as passengers for a greater share of personal vehicle trips.

What is the Texas Legislature?



The Texas Legislature includes



How often does the Legislature meet?

The Texas Legislature meets every odd-numbered year to determine what bills will become law to help citizens better face new issues that continually arise.

A regular session is 140 days in length and begins on the second Tuesday in January.

A special session can last **no more than 30 days** and is called by the Governor to address specific issues.

How does a bill become a law in Texas?

In Texas, a bill becomes a law when it passes through four major stages:



The first three stages (introductions, committee action, and floor action) must be completed in both house and the senate before the moving on to enrollment.

Each bill starts off as either a house bill or a senate bill, sometimes even both (to increase the chances of getting a bill passed).

A bill must go through introduction, committee action, and floor action in order to move on to the other house. Once a bill has passed through all three actions in both the House and the Senate, the bill is passed to the enrollment phase. It then heads to the Governor’s Desk to be signed and become law, vetoed or the Governor will allow the bill to become a law without the Governor’s signature.

Tips for Contacting Your Legislator



- **Contact your legislative office** when an issue is being heard in committee, especially if your legislator serves on the committee discussing the issue.
- If the legislator is unavailable, ask if there is a **staff person** who handles your issue.
- When you want a legislator to take a position on an issue, contact them **before there is a vote**.
- **Be brief** and get to the point quickly. Be specific about why you are contacting them.
- If asked, **be prepared to give your name**, address and the organization you represent (if any).
- If you live in the **representative's district**, tell them.
- **Be polite, professional, positive and respectful.**
- If you are concerned about a specific bill, give the **bill number and subject**. State your position on the bill and a brief reason for that position.
- Tell your legislator **what you want** them to do.
- **Thank them** if they agree with you.
- If they disagree with you or aren't sure, tell them how a bill will **affect** your family, friends, community, business or job. Include one or two **specific examples**.
- **Offer to be a resource** for issues related to developmental disabilities.
- **Thank them for their time.**

Tips for Personal Visits

A personal visit is the most effective means of communicating with a legislator as it provides you with the opportunity to build a relationship with your elected official.

Make an appointment. This is necessary.



When you call to make an appointment, ask to speak with the scheduler and let them know you would like 15 to 30 minutes to discuss an issue.
Tell the scheduler what issue you want to discuss so the right staff person is made aware of your visit.

Accept an appointment with the appropriate staff if the legislator is unavailable.
If you do not have an appointment, you may not be able to speak with anyone or you may only have a few minutes.



Make the most of the time you have with your legislator. Practice beforehand what you want to say. Allow time for questions.

If you don't know the answer to a question, say so and follow up later.



If possible, leave a one-page fact sheet with the most important information about your issue. Include your contact information.



Take your camera to take photos with your representative.



Follow up with a thank-you note or letter, reminding your legislator (or staff) what you talked about and the actions you asked them to take.
Include the answers to any questions that you were unable to answer during your visit. Send them your picture.

Tips for Letters or Email



- Include the bill number and what the bill is about at the beginning of your letter or email.
- Include your address and telephone number.
- If you want to comment on more than one issue, send a separate message for each one.
- Invite the legislator to contact you to talk about your position on the bill or issue.
- Ask your legislator for their position on the issue and request a reply.

Phone Contact Tips



- Before you place a call, write down notes about the points you want to make. That way, you won't forget anything.
- Legislators are often too busy to take phone calls, and rely on their staff to keep them informed. Ask for the staff person who covers your issue area (i.e. education, human services, etc.).
- If you request a return call, you will usually get one from the staff if you are a constituent. People who don't live in the legislator's community may not, however, get a return call. There simply aren't enough hours in the day to return all phone calls, especially if there is an organized campaign of calls.

Advocacy Language:



Action:	Rallies, picketing, and large-audience events, often with people in authority invited as guests from whom “asks” or “demands” are made. The purpose is to increase momentum, visibility, power, and “wins” (major accomplishments) for the organization. Good organizing groups use controversial tactics only when quiet diplomacy has failed to get them into relationships with authorities. If a relationship has developed, the public meeting may sometimes be “scripted” in advance. Sometimes a public meeting is used to demonstrate “people power” and at the same time build a relationship with an official.
Activate:	Engage others in advocacy or community organizing activities.
Administrative Advocacy and Organizing:	Efforts to influence actions of the Executive Branch, such as by commenting on rulemakings and regulations, Executive Orders, and other policies.
Administrative /Executive Order:	An action, order, decree or directive by the president, governor or a mayor that directs the operations of executive offices. Some have the force of law when made in pursuance of certain Acts of Congress that give the President or a Governor discretionary power.
Advocacy:	While all lobbying is advocacy, not all advocacy is lobbying. Advocacy is any action that speaks in favor of, recommends, argues for a cause, supports or defends, or pleads on behalf of others. It includes public education, regulatory work, litigation, and work before administrative bodies, lobbying, voter registration, voter education, and more.
Advocacy Capacity:	The organizational skills, resources, knowledge, and practices that lead to effective advocacy over time.
Allies:	A group of more than two organizations, governments, corporations or individuals that have a common advocacy or organizing goal.

Ballot measure:	Ballot measures allow voters to propose and enact laws. In some cases, ballot measures are referred from the legislature. Types of ballot measures include ballot initiatives, constitutional amendments, bond measures, and referenda.
Candidate education:	The process of disseminating issue-related information to candidates during election season. Candidate education could include sending briefing books, reports, etc to candidates in order to let them know where you stand on a particular issue. Candidate education encourages those running to invest in your priorities.
Capacity Building:	The process of growing the ability to act effectively. Any successful social change group requires structures, resources, knowledge, skills, practices, and vision to achieve its goals, and by getting stronger in these areas over time, the group can act more effectively. The abilities to forge and strengthen relationships, create strategic alliances, manage a base, and sustain the organization are some vital capacities
Coalition:	Usually a group of two or more organizations that are working together jointly on a specific issue or cause.
Community building:	The process by which community members come together to enhance their environment and create meaningful connections to one another.
Community consensus-building:	The process of establishing common ground between constituents. In this process the constituents discuss the needs and problems of the community and decide on next steps of how they will address these needs and problems.
Community development:	The process by which community members and/or outside groups working together to improve the quality of life in a given area. This often implies economic growth.
Community organizing:	The process by which individuals in a given community come together to promote a common interest or cause.



Constituent Base:	For community organizing, this includes, but is not limited to, the numbers of members in an organizing group. The strength of the base depends upon members’ and others’ attendance at organizing events, the extent to which they represent the community being organized, their engagement in issue and strategy selection and their identification with the goals of the organizing group.
Constituents:	The members served by an organization and/or those who will be impacted by a particular advocacy or other organizing outcome. Example: community members served by a health clinic, or a segment of the population in need of healthcare.
Database:	A place where information is stored. Example: names of and information on registered voters in a precinct.
Decision-makers:	Individuals in positions of power to make policy related changes. E.g.: legislators and legislative staff in legislative work, agency heads and staff in administrative work, judges in litigation, elected officials, business leaders in work with corporations, or the voters themselves in elections and ballot measures.
Electoral Advocacy/ Election-related work:	Efforts to educate voters on the importance of an issue through educational materials directed to the electorate (such as legislative scorecards), or to register or encourage them to vote. Electoral advocacy also includes any advocacy efforts related to an election. These activities may be partisan or non-partisan but 501(c)(3) organizations may only engage in non-partisan activity.
Entity:	An individual, group, organization, coalition, or company that organizers either address in their organizing efforts or partner with in order to gain more power.
Executive branch:	The branch of government with administrative authority. For instance, at the federal level the executive branch consists of the president and agencies and on the state level the governor and state agencies among others.

Facilitate:	The process of guiding a group through conversation and problem solving. Facilitation is different from leading because it allows the group to take charge of the direction in which the conversation will go.
Focus groups:	A method of qualitative research in which a small group of individuals are asked about their beliefs and opinions regarding an advocacy agenda item.
Funders/ donors:	Foundations, organizations, individuals and governments that provide financial support to organizations that may engage in advocacy and/or community organizing.
Leadership:	Those responsible for the primary decision-making within an organization. The leadership of an organization also plays a significant role in the direction of the organization. Leadership will look different depending on the size and scope of the organization, but may include executive directors and/or other staff, as well as board members.
Legislative Advocacy and Organizing:	Efforts to change policy through the legislative branch of government such as Congress, state Houses of Delegates or City Councils. This may include lobbying in support or opposition to a bill, the crafting of new legislative language, writing amendments to existing bills, or encouraging others to contact their legislators. Not all legislative advocacy is lobbying.
Legislative process:	The rules, ethics and customs that constitute the decision making process. The process is the journey of a bill from introduction into the house or senate, through mark-ups, until a vote before the full legislature.
Litigation:	A lawsuit, judicial contest, or any dispute brought to court to enforce a particular right.
Media:	A person, organization or corporation whose main goal is to share information with the public. This includes traditional media and social networking sites.

Members/ Membership:	Individuals or organizations belonging to a group. Membership can be informal or formal. Some groups have dues or participation requirements for membership, while others do not. Note: There is a separate and different IRS definition for membership related to the lobbying rules.
Message/ messaging:	A clear concise definition of an advocacy or community organizing goal. Audiences include segments of the public, decision makers, and constituents.
Mobilize:	To engage others in activity to obtain a solution. Community mobilizing is categorized as issue oriented, its process is driven by action, and it can be a confrontational process.
Network:	A group of organizations, and individuals including organizational members and constituents with a shared interest. Individual organizations usually have their own networks that also include allies and supporters. Networks may be formal, tightly knit groups, or they could be more loose and informal affiliations. For community organizing, there are several networks of large associations of affiliated organizations. Some networks raise dues from member organizations, such as groups based in religious congregations or neighborhoods. Others have been formed by intermediary organizations around a common interest or identity, such as human rights. Networks often hold training workshops for members and leaders, where they share information, strategies, and campaign progress.
Non- traditional allies:	A group of two or more organizations or individuals that work together for a common advocacy goal who may not share a similar mission or service-provision agenda. Example: A pro-life, Catholic organization teams up with a woman’s health clinic to pass a bill that will allocate more money for public assistance benefits.
Opponents:	Organizations, corporations, governments and individuals that work against each other’s advocacy or organizing goals. Example: The private insurance companies who advocated against the passage of the healthcare reform bill and the physicians’ networks who advocated on its behalf.

Participatory Process:

In its simplest terms, a participatory approach is one in which everyone who has a stake in the intervention has a voice, either in person or by representation. Staff of the organization that will run it, members of the target population, community officials, interested citizens, and people from involved agencies, schools, and other institutions all should be invited to the table. Everyone's participation should be welcomed and respected, and the process shouldn't be dominated by any individual or group, or by a single point of view.

Power:

The ability to act, especially the ability to act collectively to achieve purpose. Community organizers often define power in terms of organized people and organized money.

Regulation:

A rule or order that has the force of law that originates from the executive branch (usually from an agency), and deals with the specifics of a program. Congress, for example, may instruct EPA to reduce automotive emissions by 5%, but the EPA must develop regulations to reach this goal.

Stakeholders:

A person, group, organization, or system who affects or can be affected by an advocacy or organizing action.

Strategic Plan:

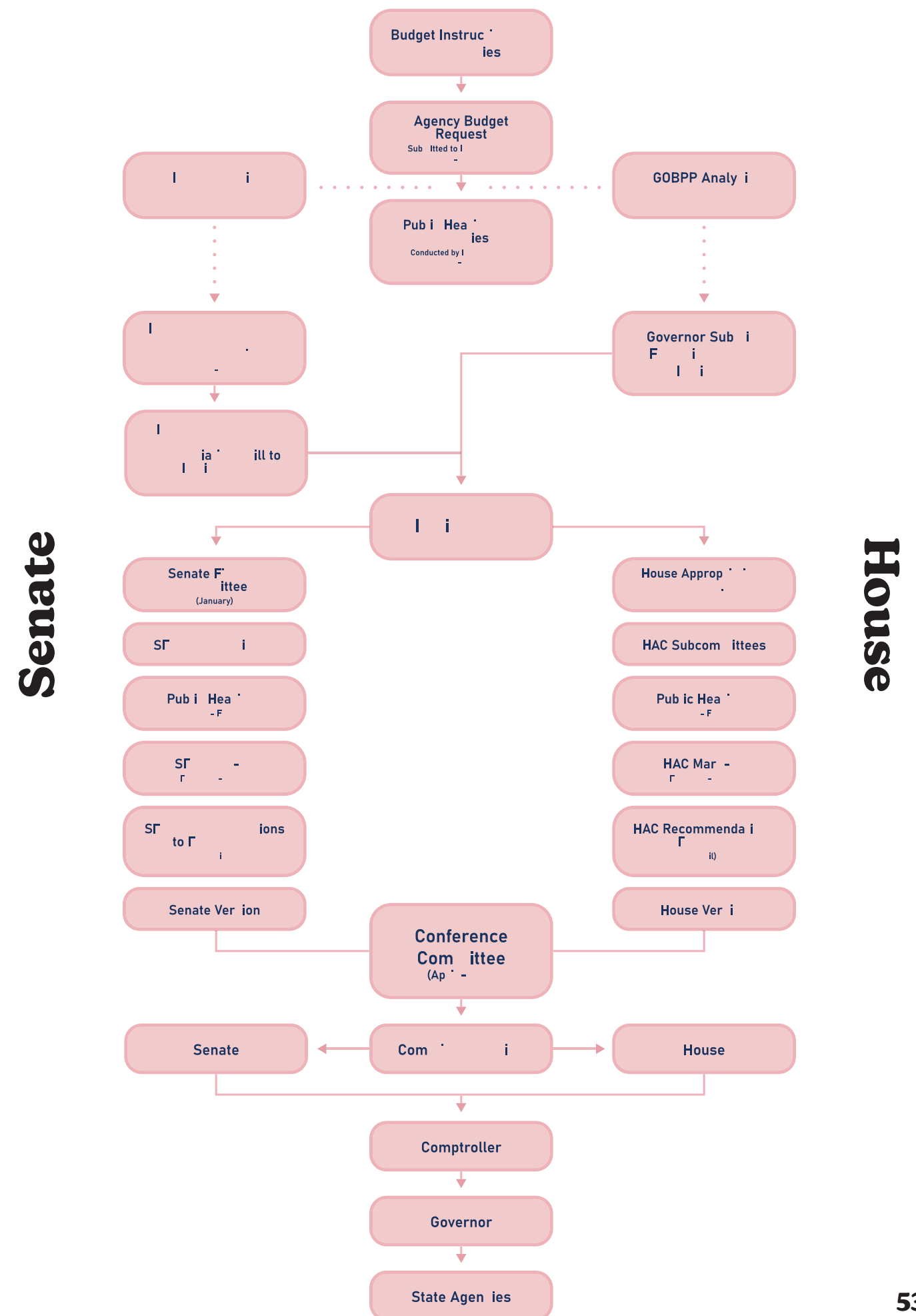
For community organizing, a campaign plan that describes the goals, organizational considerations, support and opposition, targets and tactics to achieve one or more specific goals.

**Targets/
Target
audience:**

The person or people to whom an organization is advocating or trying to address through their organizing campaign. This may include legislators, administrative officials, the courts, voters, candidates for public office, corporations, segments of the public, etc.

Voter education:

The process of informing the public of their right to vote, and sometimes providing voters with information about candidates and issues.



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- Cloud 6 Studios

The proposed recommendations made by Texas SILC provide improved accessibility, opportunity, and representation for Texans with disabilities. These recommendations are feasible and can be implemented with minimal impact on the State budget or private entities.

Please visit our website, www.txsilc.org, for additional information or contact Texas SILC Executive Director Sandra Breitengross Bitter at 512-371-7353 or Sandra@txsilc.org should you have any questions about this project or Texas SILC.



www.txsilc.org
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