

M I N U T E S

SPECIAL COMMITTEE ON FEDERAL AND STATE AFFAIRS

July 28-29, 1977

Room 532 - State House

Members Present

Senator John Crofoot, Chairperson
Representative Ardena Matlack, Vice-Chairperson
Senator Leroy Hayden
Senator Frank Smith
Senator Ed Reilly
Representative Carlos Cooper
Representative Stan Gibson
Representative Anthony Hensley
Representative Joseph Mikesic
Representative Tom Slattery
Representative Kathryn Sughrue

Staff Present

J. Russell Mills, Jr., Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office

Conferees Present

July 28

Dr. Robert C. Harder, Secretary, Department of Social and Rehabilitation Services
Dr. James A. McCain, Secretary, Department of Human Resources
Howard Moses, Topeka-Shawnee County Human Relations Commission
Marge Parker, Governor's Advisory Committee on Aging
Lance Burr, Kansas Association of Realtors
Robert Mikesic, Kansas Committee on Employment of the Handicapped
Mike Hrynewich, Kansas Savings and Loan League
Louis J. Krueger, Director, Division of Architectural Services
Michael T. Snyder, Kansas State Park and Resources Authority
John D. Kemp, Attorney, Kemp and Young, Mission, Kansas
Randy Kitch, People First, Topeka
Rosemary King, Help Unite Human Relations
David Coe, Coffeyville
Jack Malone, The Lift-Intracity Transit, Topeka
Joe Greve, Executive Secretary, Kansas Committee on Employment of the Handicapped
Ken Fousek, Topeka-Shawnee County Housing Accessibility Project
Dr. Richard Austin, Kansas State University
Charles Nicolay, Kansas Association of Contractors

July 29

Meredith Williams, Legislative Division of Post Audit
Jeff Brewer, Legislative Division of Post Audit
Jack Brier, Assistant Secretary of State
R. Jordan Seitz, Kansas Department of Transportation
James Cobler, Division of Accounts and Reports

July 28, 1977
Morning Session

Chairman Crofoot called the meeting to order at 10:00 a.m. The first order of business was consideration of Proposal No. 27 - Physically Handicapped Standards.

Dr. Robert C. Harder, Secretary of the Kansas Department of Social and Rehabilitation Services, presented a summary of the regulations promulgated by the Department of Health, Education, and Welfare (Federal Register, May 4, 1977) to implement Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, (Attachment I). He stated that no fiscal impact estimates were available, but that some 250 SRS buildings may require renovation to meet the accessibility standards. He noted that most of the standards must be met by 1981; that no federal funds were made available to implement the act; and that he had already signed a certificate of compliance to indicate that SRS, on an agency basis, will meet the standards.

Dr. James A. McCain, Secretary of the Kansas Department of Human Resources, urged the Committee to take every reasonable measure to eliminate architectural barriers. Dr. McCain indicated that some 7,700 handicapped individuals were seeking employment through the state job service offices. Over the past three quarters, some 2,000 handicapped were placed in positions of employment and many employers have reported that handicapped workers are more stable and have better attendance records than other employees. He stated that physical barriers are more of a handicap than physical afflictions in securing employment. Dr. McCain stated that the Department's building had been renovated to remove architectural barriers through a \$100,000 federal grant.

Howard Moses, Topeka-Shawnee County Human Relations Commission, presented a prepared statement urging the enactment of legislation to remove architectural barriers, such as H.B. 2269 (Attachment II). Mr. Moses also stated that legislation extending the federal tax credit for renovation to remove architectural barriers would be desirable. He urged that the state tax laws be amended to include a tax credit for renovation or new construction of barrier-free buildings and dwellings. Mr. Moses discussed several provisions of H.B. 2269.

Marge Parker, Governor's Advisory Committee on Aging, presented a prepared statement endorsing H.B. 2269 as a means of assisting older citizens and encouraging their participation in community activities (Attachment III).

Lance Burr, Kansas Association of Realtors, stated that this organization does not have a position as yet on H.B. 2269. He expressed concern that the definitions in the bill are ambiguous; that the determination of 25 percent of replacement cost would be difficult to make; and that the bill does not establish the amount of damages for violations of the requirements. Mr. Burr felt that the Committee should clarify these provisions in the bill.

Robert Mikesic, Kansas Committee on Employment of the Handicapped, presented a prepared statement (Attachment IV). Mr. Mikesic stated that H.B. 2269 and S.B. 219 are the next logical and necessary steps to be taken to correct barrier conditions in all places of public accommodations.

Mike Hrynewich presented a prepared statement from Jim Turner, Kansas Savings and Loan League (Attachment V). The statement noted that most new savings and loan buildings are accessible and urged that the Committee give consideration to a form of tax credit for those businesses that build or remodel their structures to accommodate the handicapped. Mr. Hrynewich agreed that several provisions of the bill are ambiguous and require clarification.

Afternoon Session

Louis J. Krueger, Director of the Division of Architectural Services, presented a prepared statement expressing support for the establishment of reasonable standards to provide accessibility (Attachment VI). Mr. Krueger stated that consideration should be given to exempting one- and two-family dwellings and small commercial structures. He also stated that the costs may be unreasonable in some remodeling instances and that a grace period may be needed for some structures.

Michael T. Snyder, Kansas State Park and Resources Authority, stated that people have disabilities, society builds the handicaps. Mr. Snyder stated that, according to a study done by the U.S. Department of Labor, additional costs for new construction are .5 percent to 2 percent if the structures are built to be barrier free. In a survey which he conducted, Mr. Snyder found that costs for new, barrier-free construction in Kansas increase only zero percent to 3 percent over conventional construction.

Mr. Snyder discussed three advantages of barrier-free construction: (1) health and accident insurance rates are lowered because there will be fewer accidents; (2) public liability insurance rates are reduced because there will be fewer tripping and falling accidents; and (3) workmen's compensation rates are reduced because of fewer work-related accidents. He felt that these savings would counteract any increased construction costs. He noted that estimates are not available for renovation since

each structure must be analyzed on an individual basis. He also stated that the Park and Resources Authority is meeting all federal requirements for accessibility.

Senator James Francisco testified in support of S.B. 219 which would require the establishment of parking spaces for the handicapped at public buildings and establish penalties for unlawful use of the spaces. He stated that the City of Topeka and Sedgwick County have established fines of \$5.00 for the unlawful use of handicapped parking spaces.

John D. Kemp, Kemp and Young, stated that 59 percent of the population in the U.S. is employed while only 42 percent of the handicapped are employed. Mr. Kemp stated that building accessibility is the major factor which hinders employment of the handicapped and that enactment of H.B. 2269 would alleviate many employment problems. He made the following recommendations concerning the bill: (1) the effective date should be January 1, 1979; (2) Sec. 1(b) should require adequate parking facilities, probably 2 percent of all slots; and (3) New Sec. 5 should be amended to safeguard against inflated replacement cost estimates.

Randy Kitch, People First, (represented by Rosemary King) urged the enactment of H.B. 2269. He recommended that Sec. 1(d) be amended to include complexes with 15 or more units rather than 20 units.

David Coe, Coffeyville, testified in support of H.B. 2269. He felt that public buildings were the chief concern of most handicapped individuals. Mr. Coe also stated that many school buildings are not constructed to be barrier free even though a 1971 statute requires that reasonable efforts be made to eliminate barriers. He felt that enforcement of this statute should be strengthened.

Jack Malone, The Lift-Intracity Transit, Topeka, presented a prepared statement (Attachment VII). Mr. Malone discussed the operation of "The Lift," an accessible bus used by the Topeka Metropolitan Transit Authority, which is funded by a combination of federal, state, and local monies.

Joe Greve, Kansas Committee on Employment of the Handicapped, presented a prepared statement concerning the justification of need for total accessibility within the State of Kansas (Attachment VIII). Mr. Greve stated that the goals of citizens with physical disabilities, limitations, or impairments are to have access to and through all buildings so they can live a more normal, more equal life and assume full responsibilities as citizens to work, play, and socialize. He urged the enactment of H.B. 2269.

Ken Fousek, Topeka-Shawnee County Housing Accessibility Project, presented a prepared statement in support of H.B. 2269 (Attachment IX). Mr. Fousek stated that nearly 250,000 Kansans could be initially affected by H.B. 2269. He felt that H.B. 2269 represents a positive step in the right direction of giving people a greater opportunity to have control over their own lives and the ability to create their own lifestyle. Mr. Fousek recommended two amendments to the bill: (1) include complexes with 15 or more units; and (2) require that the accessible units be dispersed throughout the complex.

Dr. Richard Austin, Department of Landscape Architecture, Kansas State University, stated that KSU has the only Master of Arts program in barrier-free site design in the United States. He stated that the maximum cost increase for barrier-free new construction is 2½ to 3 percent over conventional construction and that this can be reduced to .5 percent through proper planning prior to construction. Dr. Austin believed that accessibility could increase many retail markets by 20 percent.

Dr. Austin suggested the following changes in H.B. 2269: (1) define "recreational facilities" in more detail to include playgrounds, picnic table, swimming pools, etc.; (2) enforcement may be difficult if the architect does not have specific guidelines to follow; and (3) the 25 percent replacement value figure should be determined by the State Architect with some input from the handicapped. He felt that, in some areas, the standards of the American National Standards Institute are not strict enough.

Charles Nicolay, Associated General Contractors of Kansas, stated that the organization has no position on H.B. 2269 but is willing to assist the Committee in any way.

Representative Gibson distributed a summary of the accessibility requirements of several model building codes and briefly discussed the provisions of each code (Attachment X).

Dr. Austin agreed to prepare certain information concerning costs of barrier-free construction and federal requirements for Committee consideration.

A statement was distributed from Diana Coberly, Western Kansas Association on Concerns of the Disabled (Attachment XI).

July 29, 1977
Morning Session

Chairman Crofoot called the meeting to order at 9:00 a.m. The Chairman directed the Committee's attention to Proposal No. 28 - State Real Estate Transactions.

Meredith Williams and Jeff Brewer, Legislative Division of Post Audit, presented a summary of the program audit "Management of Surplus State-Held Land" (Attachment XII). With regard to the state's land inventory system, the audit reached two conclusions:

1. Neither of the two agencies having statutory responsibilities for establishing and maintaining an inventory of state land (the Division of Accounts and Reports and the Secretary of State) had an accurate and complete inventory.
2. The lack of an adequate inventory could hamper efforts to identify surplus land when land is needed for new state programs or purposes.

These findings led to the following audit recommendations:

1. K.S.A. 75-416 should be amended to require all state agencies to file the original records of all real estate transactions (except land acquired through condemnation by the Kansas Department of Transportation) with the Secretary of State. The Secretary of State should request that each agency provide an up-to-date record of all land owned by the agency including any easements and rights-of-way granted over this land.
2. K.S.A. 48-319, which requires the Adjutant General to keep the original records of all real estate transactions affecting that agency, should be amended to require the filing of a copy of those records with the Secretary of State.
3. The Division of Accounts and Reports should improve its inventory records of state-owned land by modifying its current inventory reporting requirements to include for each parcel, at a minimum, the number of acres owned, a brief legal description and the location by city or county.

Mr. Williams stated that recommendations 1 and 2 were incorporated into S.B. 42, which was referred to the Senate Committee on Federal and State Affairs. Recommendation 3 was adopted by the Division of Accounts and Reports which modified its inventory policies and procedures as a result of the audit.

Mr. Williams also presented a summary of S.B. 42, which would modify the responsibilities of the Secretary of State, the Division of Accounts and Reports, and all state agencies holding real property (Attachment XIII). Mr. Williams stated that enactment of S.B. 42 would provide an accurate and current inventory of state-owned land.

Jack Brier, Assistant Secretary of State, stated that the Secretary of State's position is that the current law is a filing law only, not an act that requires the Secretary of State to go out and actively solicit information concerning land holdings of the state. None of the recommendations in the audit can be implemented without legislative action. The bill will centralize the filings of all departments except the Department of Transportation, therefore it is discriminatory. Conceptually, the Secretary of State's office questions the need for and uses of the information once it has been centralized. A fiscal note for S.B. 42 indicates expenditures of \$53,216 to implement the inventory system (Attachment XIV).

Jordan Seitz, Kansas Department of Transportation, stated that approximately 80 percent of the land acquired by the DOT is done by deed and 20 percent by condemnation. The original deeds are filed with the Secretary of State's office and the information is open to the public. When an application to buy surplus property is received or when the DOT decides to offer a parcel for sale, it is generally sold by public auction. Notice must be publicized in the county newspaper. The Department can sell land without legislative approval. Mr. Seitz stated that he felt the quality of their

appraisers is good. They presently employ seven to eight appraisers. The level of a DOT appraiser's salary is generally not equal to fee appraisers or to some other appraisers in various state agencies.

James Cobler, Director of Accounts and Reports, testified that the Division is currently expanding their inventory system. However, he felt that it is difficult to maintain records unless they know how this information will actually be used. Senator Hayden suggested contacting other states to see if they have any kind of land inventory system and if they find it useful. Senator Hayden did not feel that the Legislature should implement such a system unless proper use could be shown for the system.

Mr. Cobler urged that a management decision be made by the Legislature so that the information can be compiled in a useful and meaningful fashion. This can only be done if the intended uses of the information are known prior to its compilation.

Mr. Williams stated that the Secretary of State should either have total and complete records or none. The DOT land holdings are reported to the Division of Accounts and Reports and also to the Division of the Budget. Both reports are compiled separately.

Senator Crofoot suggested that each agency should keep a detailed listing of its land holdings rather than a centralized listing.

Mr. Mills presented a letter from the Forestry, Fish and Game Commission. (See Attachment XV.) That agency has no objection to a land inventory system involving acreage, location, legal description, and use, but does object if the inventory were to include information on soils, land-use capability classes, habitat types, and individual agricultural uses.

A letter was also distributed from Mr. E.A. Mosher, League of Kansas Municipalities concerning handicapped standards (Attachment XVI). Mr. Mosher noted that the League has no convention policy on this issue, although the question of reasonableness appears to be recurrent.

Representative Cooper moved to approve the minutes of the June meeting. Representative Slattery seconded the motion. The minutes were approved.

It was suggested that the Budget Division, Legislative Post Audit, and the Division of Accounts and Reports meet and develop a suggested land-inventory report. Senator Hayden felt that this might create more paperwork and not really a usable report. The Committee discussed whether the Secretary of State's office actually had a need to keep all deeds on file.

Representative Slattery moved to have the staff prepare a report draft recommending that the Division of Accounts and Reports maintain a land inventory file and further amend S.B. 42 to make each state agency responsible for maintaining their own legal documents, rather than having them filed in the Secretary of State's office. The report should further recommend that Legislative Post Audit confer with the Division of Accounts and Reports and the Budget Division to ascertain what information should be compiled in the land inventory report. Senator Smith seconded the motion and it passed with no opposition.

Representative Cooper moved to amend S.B. 219 to establish a penalty of "not less than a \$5.00 fine," instead of a class C misdemeanor, and to change the effective date to 1979. Representative Matlack seconded the motion, and it passed with no opposition.

Staff was instructed to refine the language in H.B. 2269 concerning "recreational facilities" and the definition of "complex."

Staff was also directed to prepare a draft bill on renovation of existing structures to meet accessibility standards. The bill should contain a tax credit for renovation similar to the solar tax credit. The Committee agreed that H.B. 2269 should deal only with new construction and the proposed bill only with renovation.

The next meeting will be held August 9-10, 1977. The meeting was adjourned.

Prepared by J. Russell Mills, Jr.

Approved by Committee on:

8-10-77

Date

Attachment T

STATE OF KANSAS
ROBERT F. BENNETT, Governor



STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
State Office Building
TOPEKA, KANSAS 66612
ROBERT C. HARDER, Secretary

Division of
Vocational Rehabilitation

Division of
Social Services

Division of
Mental Health
and Retardation

Division of
Children and Youth

Division of
Administrative Services

Alcohol and Drug Abuse
Section

State Office
Economic Opportunity

M E M O R A N D U M

July 22, 1977

To: Committee on Federal and State Affairs
From: Robert C. Harder, Secretary *RCH*
Social and Rehabilitation Services

Enclosed is the summary of material in the Federal Register related to non-discrimination on the basis of a handicap.

We are not fully aware of all the implications of these rules and regulations; but I think by review of this material, you will get some idea of the possible fiscal impact on the state as we move to implement a non-discrimination on the basis of a handicap policy.

If you have any questions or comments, please let me hear from you.

RCH:pa

Enc.

Atch. I

July 1, 1977

Review of Federal Register
Nondiscrimination on Basis of Handicap

General Provisions

The regulations forbid acts of discrimination against qualified handicapped persons in employment, and in the operation of programs, and activities receiving assistance from the Department of HEW. The definition was broadened in 1974 to state that a "handicapped individual" is defined as "any person who (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment."

The terms used in the basic definition are as follows:

"Handicapped Person" any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment."

"Major life activities" functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

"Has a record of such an impairment" means has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" means (a) has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a recipient as constituting such a limitation, (b) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment, or (c) has none of the impairments defined in previous paragraph but is treated by a recipient as having such an impairment.

"Qualified handicapped person" with respect to employment, a handicapped person who, with reasonable accommodations, can perform the essential functions of the job in question; with respect to other services a handicapped person who meets the essential eligibility requirements for the recipient of such services.

"Discrimination" has been defined as:

- 1- denying qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;
- 2- providing a benefit or service that is not equal to that offered others;
- 3 -provide a benefit or service that is not as effective as that furnished others;
- 4- providing assistance to agencies that discriminate on the basis of handicap;
- 5- deny the opportunity to participate as a member of planning or advisory boards.

Any applicant for federal financial assistance shall submit an assurance form specified by the Director of HEW. It will cover an obligation for nondiscrimination in the use of federal financial assistance, real property or structures on the property. In the case of subsequent transfer, the transferee shall be obligated during the period which federal financial assistance is extended.

If discrimination is found the recipient shall take such action as the director deems necessary.

A recipient may voluntarily take steps, in addition to those required, to overcome those conditions resulting in limited participation in program or activity by qualified handicapped persons.

1- carry out a self-evaluation within one year of the effective date of this part; evaluate current policies and practices with the assistance of interested persons; modify after consultation these policies that do not meet the requirements; take appropriate steps to eliminate discriminatory activities.

2- An employer with 15 or more employees shall for at least 3 years following completion of this evaluation:

(a) maintain on file and make available to the public and the director a list of interested persons consulted,

(b) maintain a description of areas examined and problems identified,

(c) described modifications made and remedial steps taken.

A recipient that employs 15 or more shall:

1- designate at least one person to coordinate its efforts to comply with this part,

- 2 - adopt a grievance procedure,
- 3 - notify participants, beneficiaries, applicants, and employers, unions or professional organizations holding collective bargaining or professional agreements that the recipient does not discriminate on the basis of a handicap.
 - (a) this notification shall state that the recipient does not discriminate in admission or access to, or treatment, or employment in its programs and activities,
- 4 - make the initial notification within 90 days of the effective date of this part.

Employment Practice

The recipient

- 1 - cannot discriminate on the basis of handicap,
- 2 - must take positive steps to employ and advance handicapped in employment,
- 3 - must make decision concerning employment which assures that discrimination does not exist on the basis of handicap which limits, segregates or classifies applicant or employees adversely,
- 4 - must not participate in contractual or other relationships that have the effect of discrimination. The specific activities include:
 - 1 - recruitment
 - 2 - hiring

- 3 - rate of pay
- 4 - job assignment
- 5 - leave of absence
- 6 - fringe benefits
- 7 - selection and financial support for training
- 8 - employer sponsored activities including
social and recreational programs
- 9 - any other term, condition or privilege of employment.

The recipient shall make reasonable accommodations unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Reasonable accommodations may include:

- 1 - making facilities readily accessible
- 2 - job restructuring
- 3 - factors relating to undue hardship are - - overall size
and the program with respect to the number of employees,
number and type of facility and size of budget, type of
recipient's operation, including composition of work force
and cost and nature of accommodations needed.

Employment tests can be used only if the score or other selective criteria are shown to be job-related for the position and alternative tests are not available. Pre-employment medical examinations or make pre-employment inquiry as to whether the applicant is a handicapped person, or as to the nature of the handicap. Inquiry can be made concerning the applicant's ability to perform job-related functions. The recipient may invite applicants for employment to indicate whether and to what extent they are handicapped provided that:

- 1 - the information is intended for use in its remedial action, obligation, or affirmative action efforts
- 2 - it is stated that the information being requested on a voluntary basis will be kept confidential
- 3 - an offer of employment can be conditioned on results only if all entering employees are subject to the same conditions.
- 4 - the information obtained is kept confidential. Supervisors and managers and first aid personnel may be informed.

Program Accessibility

Program accessibility relates to the recipients facilities being accessible to the handicapped. The recipient is not required to make each of its facilities or every part of a facility accessible. Compliance can be carried out by:

- 1 - redesign of equipment
- 2 - reassignment of classes
- 3 - assignment of aides to beneficiaries
- 4 - home visits
- 5 - delivery of health, welfare or other social services at alternate accessible sites.

A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance. The recipient shall comply within sixty days of the effective date of this part, except where structural changes are necessary. These changes shall be made within three years of the effective date of this part. A transition plan shall be developed within 6 months of the effective

date. A transitional plan setting forth the steps necessary to complete such changes will be developed. It shall identify:

- 1 - physical obstacles
- 2 - the methods used to meet requirements
- 3 - the schedule for taking the steps necessary to achieve full program accessibility
- 4 - the person responsible for the plan.

New construction shall be designed and constructed in such manner that the facility is readily accessible to and useable by handicapped persons if the project was commenced after the effective date of this part.

Design construction or alteration of facility shall comply with the "American National Standards Specifications for making Buildings and Facilities Accessible to, and Useable by the Physically Handicapped."

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

MEMORANDUM

FROM: Leonard L. Eudaley
Architectural Consultant

RE: _____

DATE: July 21, 1977

In response to your memorandum on what problems SRS will have in implementing the legislation to provide barrier-free buildings that the interm committee on federal and state affairs is presently considering. It would appear that as presently written this legislation would have little effect on our department since we are already under a mandate from the Feds to comply with the new section 504 of the Rehabilitation Act and the ICF regulations of HEW. These regulations appear to be much more restrictive than the state legislation presently proposed.

In determining what needs to be done to comply with the HEW regulations, there is some confusion on which regulations the state hospitals are to follow. The ICF regulations or the new section 504. I recently questioned some federal officials in the Kansas City Regional HEW Office and they did not know which regulation HEW will require the state hospitals to follow. The ICF regulations are much more restrictive than 504 and would require considerable more capital improvement monies if we are to comply. As a result of this confusion on which regulations to follow, it is impossible for me to determine what is necessary to comply and to give you a definitive fiscal impact on the amount needed at the state hospitals.

If the hospitals are forced into full compliance it will be very expensive and could cost as much as several million dollars. The most difficult consideration is within the multi-story buildings where we do not have an elevator. The installation of elevators are very expensive and will have to be installed if full compliance is necessary. In the case of some of the old buildings that are in use, it would appear to me that the expense to bring them into compliance would not be warranted when viewed in relationship to the future life of the building. This could mean that these older buildings would have to be closed. However, I am sure that if we pushed the Feds they will allow a waiver or possibly allow an alternative so that services provided in these buildings can be provided for the handicapped in accessible buildings.

So at this time, a great deal depends upon the Feds and how restrictive they will be in administering the handicapped regulations. If they are lenient in administering this regulation then our fiscal impact will be much less.

STATE DEPT. OF
SOC. REHAB. SERV.

JUL 21 1977

RECEIVED
SECRETARY'S OFF.

July 21, 1977

In addition to the above hospital's costs, the SRS area offices which are located off hospital campuses and other facilities which are operated by SRS will have to comply by the new 504 regulations. Since I have not visited all of the area offices, it is impossible to provide you a cost estimate on what will be necessary at these locations. It is my understanding that most of these offices presently are leased from private individuals or companies. If this is the case, I would suggest that future lease agreements with these people include some requirement that these facilities be in compliance with the new section 504. The time frame for this compliance for these facilities is 1980 which would allow these lease agreements to be adjusted.

I have only pointed out the architectural and fiscal impact of the handicapped code. There are of course many other requirements within the code such as employment, education, etc. which will require implementation. I have talked with Mr. Hoge and Mr. Montgomery about these items and it is our feeling that the scope of the requirements are such that a meeting be held with you to discuss them further before the committee hearing on July 28, 1977.

LLE:eh

ent by Howard Moses, Topeka-Shawnee County Division on the
led

I would like to thank Senator Crofoot, Representative Matlack and the rest of the Committee for this opportunity to speak on the architectural accessibility aspects of HB 2269. It is my objective encourage a new perspective on the part of the Committee as they consider the arguments of the experts who will appear here today.

Over the centuries, the architect has taken advantage of the apparently unlimited ability of the human being to tolerate discomfort, inconvenience and even danger. The concept of fitting the activity of the equipment or environment to meet the needs of the human being rather than vice versa is still so new that the term by which it is known, ergonomics, is one that few people have any knowledge of. This concept of fitting the activity of the environment to meet the needs of the human being is exactly what we are discussing here.

The first question would be "Who will benefit directly from a barrier-free society?" Consider for whom the present architectural environment is built. One major cause of disabling environments is that they are built for a non-existent population. Buildings, roads, open spaces cater to a fictitious model of the human being - exclusively for a man (not a woman) in the prime of life and the peak of his physical fitness.

Statistically speaking, only a small minority of the population fall into this category, even among the fit. Naturally, there is no thought for the disabled or the fact that an able-bodied person may at any moment become disabled. Nor does it consider the temp-

orary disabilities such as pregnancy, fractures or the simple process of the body functions slowing during the aging of a person.

The size of the physically disabled population in Kansas that we are talking about is more than 230,000 persons (1975 census). This number is not going to decrease in the foreseeable future. The disabled aging will increase with the aging of the society. Another example would be that following the reduction of the national speed limit to 55 mph the percentage of total accidental deaths resulting from motor vehicles decreased 17% between 1973 and 1974. During the same period, the percentage of total disabling accidents resulting from motor vehicles decreased only 1%. The problem is not going to go away.

The benefits economically of accessibility should be balanced against the perspective of construction costs. This will include increased employment opportunities for the disabled, reduced reliance upon social services, and the active participation of a new segment of our population within or society.

Discussion of limiting the application of the legislation to certain counties has centered upon the idea that large numbers of disabled persons have not been seen moving about our cities and towns. This is a question of the chicken or the egg - which comes first, accessibility or visibility? I would also contend that these people desire an independent life style of holding jobs, doing their own shopping, or enjoying some public entertainment.

The various provisions of this legislation go a long way towards

HANDICAPPED CENSUS, BY TYPE, BY AREA (Kansas, 1975)

REGION	VISUAL	DEAF	SPEECH	MENTAL	ORTHOPEDIC	OTHER PHYSICAL	AGED	LEARNING DISABILITY
01	3824	2492	744	18215	9454	11993	28336	3146
02	941	623	128	4512	2579	3025	13117	809
03	817	538	123	3867	2103	2602	8439	720
04	2841	1903	525	14450	6696	9151	24168	2382
05	357	226	105	2235	919	1105	3972	269
06	217	141	31	1036	548	687	2209	180
07	382	248	55	1729	986	1221	2549	271
08	213	140	34	957	550	598	2146	135
09	371	243	52	1936	961	1190	4581	512
10	467	310	72	2315	1201	1319	5998	449
11	488	319	74	2632	1258	1393	6016	361
STATE TOTALS	10918	7183	1973	53884	27255	34284	101531	9234

GRAND TOTAL OF STATE HANDICAPPED

246,262 *

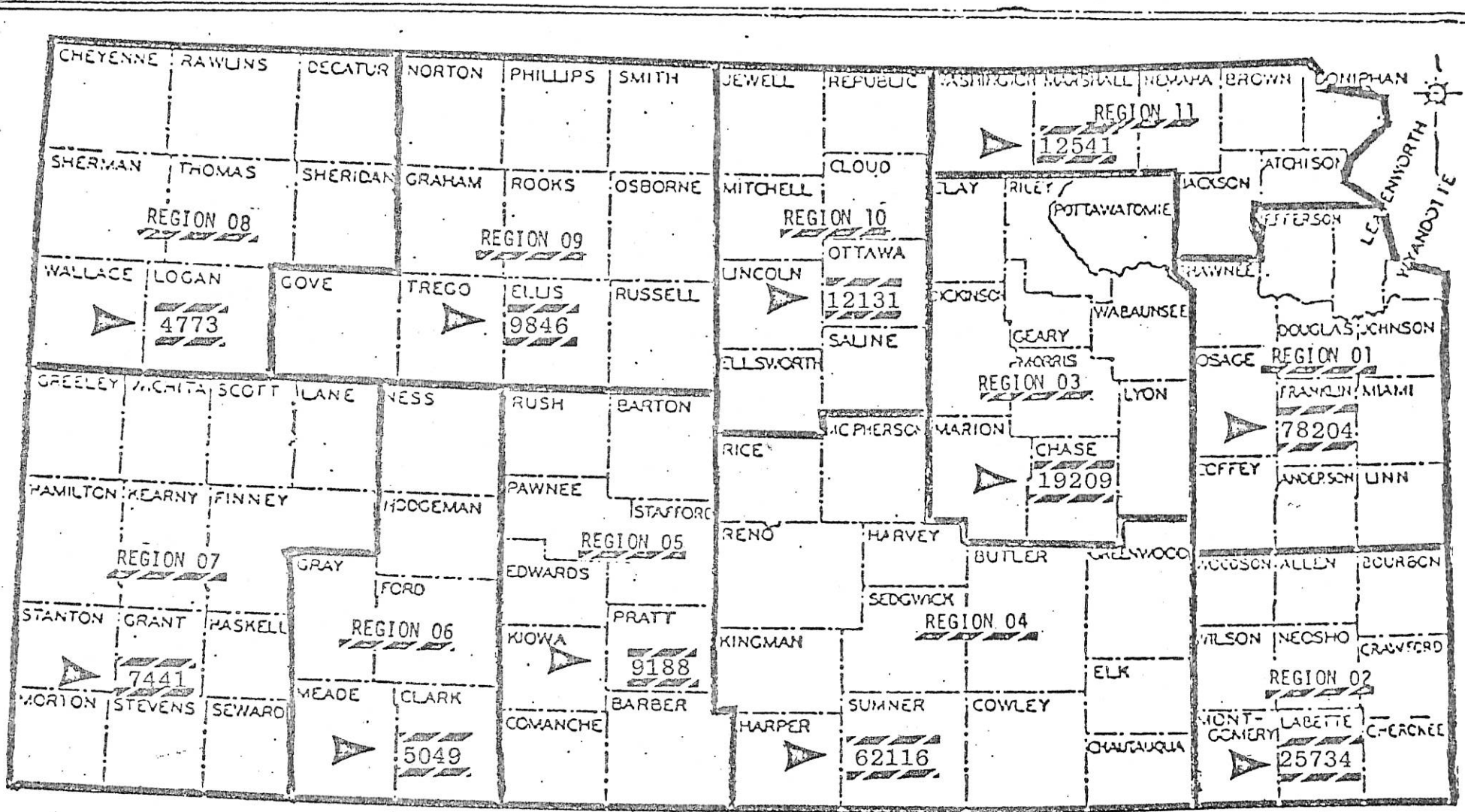
* Physically handicapped, other than the category Learning disability = 246,028

ing the goal of accessibility without many of the problems associated with similar proposals elsewhere. The allowance for waivers, if used sparingly, against high incremental costs during renovation to meet the standards provides a balance to all parties involved. Cooperation, such as this, will be the true element of success for this legislation. The enforcement of the provisions through penalties and individual action for damages avoids the creation of a new bureaucracy to oversee the act's implementation. Technical assistance and public information can be provided by the Division of Architecture and the Kansas Committee on Employment of the Handicapped.

The Committee should consider companion legislation extending the federal tax credit for removal of architectural barriers to the state income tax provisions. The provisions should also include tax credits for the construction of dwelling units accessible to the disabled.

Thank you for your time and concern.

TOTAL HANDICAPPED, BY REGION



PLANNING REGIONS OF KANSAS

137

July 28, 1977

Mr. Chairman, members of the Committee:

All of us working in the field of aging have common goals. These include helping older citizens remain in their own homes and encouraging them to continue to be active and interested in participating in community activities.

They have much to offer their community but are often limited in their participation because meetings and activities are held in buildings that are inaccessible to them. Quite a number of older citizens have arthritis, heart conditions, use canes, walkers and some are in wheelchairs. They find it difficult to manage curbs, steps and steep inclines.

A good example of this occurred this past year. Many were unable to attend the Blue Cross-Blue Shield Plan 65 rate increase hearing scheduled by Insurance Commissioner Bell and held at the Historical Society Building. This was the only space available at the time. There was no way they could manage the steps. Many called and complained about this and similar meetings. They definitely feel discriminated against.

We heartily endorse House Bill 2269 and encourage you to give favorable consideration to it. We will appreciate any help you can give us in making it easier for the older citizens, and all who are disabled, to lead the active, productive lives they are entitled to.

Thank you,
Marge Parker
Marge Parker
Director

Older Citizens Information Center

Att. b. III

STATEMENT OF ROBERT MIKESIC, CONSULTANT
KANSAS COMMITTEE FOR EMPLOYMENT OF THE HANDICAPPED

There is an increasing awareness of and concern for building and modifying sites and structures to make them fully accessible to and usable by the physically handicapped. Making it possible for individuals with impairments to work and move freely through a community to a large degree depends on the builders, designers and local government administrators actually responsible for new construction and renovation. The desire and acceptance of the responsibility placed upon these persons depends on several factors:

- 1) Legislation and regulation which require barrier - free construction and renovation.
- 2) Individual awareness and motivation, which most often results from direct acquaintance with a disabled employee, client, patron, friend or relative.
- 3) The economic and human costs and benefits in a specific situation or building site.

According to a 1973 survey by the President's Committee on Employment of the Handicapped, all states now have some sort of statute on the removal of architectural barriers. In Kansas there are two laws in this area:

- 1) KSA 12-696 through 12-6, 101 relating to new and replacement construction of curbs and sidewalks as prescribed by the governing body of any municipality; providing not less than two ramps per block constructed at locations considered to be legal crosswalks, thereby allowing reasonable access to the crosswalk for persons with handicaps. (passed Spring, 1976)
- 2) And KSA 58-1301 through 1305 which applies the ANSI standards of accessibility to all new construction or renovation in excess of 25% of the gross area, of buildings and facilities funded in whole or part by the state. (in effect as of December 31, 1969)

House Bill 2269 and Senate Bill 219 provide the next logical and necessary step to be taken to correct barrier conditions in all places of public accommodations. By extending the scope of public buildings to include not only federal and state funded buildings, but also "all buildings, structures,

recreational facilities, streets and sidewalks and access there to be used by the public or in which physically handicapped persons may be employed that are constructed, purchased, leased or rented by the use of private funds (p. 2, lines 44-48) House Bill 2269 provides the legal right for equality and social integration that at last can become a reality for the 246,262 (Kansas State Park and Resources Authority, 1975) handicapped in Kansas, for it would provide the right to be in public places, to enter and receive goods and services in hotels, rental apartments, theaters, concert halls, restaurants and all other places of public accommodation.

"Although a person in a wheelchair may be admitted to a movie theater, facilities such as seats, drinking fountains and rest-rooms may be accessible only to the able bodied. Thus, if this person is unable to leave his wheelchair, he cannot take advantage of this type of amusement facility, on a full and equal basis. His (or her) access is as completely denied as if the theater had displayed a sign saying, "Disabled - Do Not Enter." (Achtenberg, Jack, 1975:163)

"Since the characteristics of the wheelchair impose radical different design criteria, chairbound people are invariably more severely handicapped in coping with the everyday environment. By comparison, the ambulant disabled, whether disabled in activity, mobility or sensation, more closely fit the norms of non-disabled people" (American Society of Landscape Architects Foundation, Vol. 1:23).

For these reasons it is justifiable and appropriate that the ANSI standard specifications be adopted for use in 2269, which focus mainly on design for the chairbound, although provisions are also included for semi-ambulatory, sight, hearing, incoordination and aging disabilities.

"Thirty-eight states have enacted legislative acts requiring that certain buildings be constructed without barriers according to the ANSI specifications . . . In addition, the laws of 22 states . . . apply to buildings undergoing substantial remodeling, rehabilitation, or renovation, and the laws of four other states (Arizona, Iowa, Montana and Nebraska) apply to temporary and emergency construction as well as permanent." (American Society of Landscape Architects Foundation, Vol 3:86)

Besides the strong point of extending equal rights and social integration to all places of public accommodation, other strengths of this bill include:

1) The responsibility for enforcement for construction or renovation of all buildings and facilities where state funds are utilized, is the Architectural Division of the State Department of Administration; who is already experienced in doing this, having monitored such buildings since December of 1969 under KSA 56-1301 - 1305. Since the State Architect Division already provides consultation and technical assistance to those requesting it, they would be in a perfect position to assist the County District Attorney or the person who issues building permits in the county (in which the public building of facility is located) in their enforcement efforts. As awareness of this act spreads, as often happens, neighboring counties would probably also assist each other.

2) House Bill 2269 also has a sophisticated waiver clause that is considerate of both the people undertaking construction and those benefiting from accessibility. If full compliance would be "impractical or unreasonable in that it would defeat the purpose of such construction or renovation" (lines 97, 98) either financially or in construction, the person undertaking the construction may apply for a waiver from the governing body responsible for enforcement. A waiver or modification of the accessibility standards may be granted if "a) The purpose of this act can be fulfilled by an acceptable alternative to the particular standard, or b) the incremental construction cost to conform to the standards exceeds seven percent (7%) of the total construction or renovation costs" (lines 125 - 130). This clause ensure that the purpose of the act be filled without forcing persons to install elevators which are often times rather costly.

One common assumption is that construction and renovation for accessible buildings would bring with it an unwarranted extra expense. Recent studies have indicated that these earlier assumptions were exaggerated.

A study conducted by the Department of Urban Studies, National League of Cities, Washington D. C. (1967) looked at both existing and hypothetical buildings, and estimated costs when conforming to the ANSI standards.

Special efforts were made not to take away any normal functions or detract from the aesthetic appearance of the buildings. The cost for accessibility in six of the seven buildings was found to be less than 1/2 of 1% of the original construction costs. (American Society of Landscape Architects Foundation, Vol.1:14, 15) "The seventh, a two story building, would have cost 2.75% more, as an elevator had to be added. Modifications needed to make these buildings barrier free after construction would have cost, at most 1.0% over original costs". (Kliment, 13).

Costs are rather difficult to estimate though, since they "depend almost entirely on the design of the specific site element or the project itself at a particular time in a discrete geographical area" (American Society of Landscape Architects Foundation, Vol. 1:14)

Since the cost of eliminating barriers is not significant, limited progress in eliminating barriers may be due in part to a lack of commitment by Governmental Officials. (American Society of Landscape Architects Foundation, Vol. 1:19)

Ultimately, we must meet our moral and legal responsibility of providing total access to our public spaces. The human benefits derived from barrier free design can be related to those most affected in the following ways:

-to the person with a disability:

- easier educational opportunities
- easier shopping access
- easier employment opportunities
- wider housing choice
- less discomfort in daily movements
- decreased costs of transportation
- greater independence of life, movement and activity.

-to the family and friends of the person with a disability:

- less need for supervision and assistance to the disabled person
- less concern for the safety and ability of the disabled individual

-to educational institutions:

- a wider choice of students
- a greater number of potential students

-to travel oriented industries :

- a greater range of clients
- a greater range of travel opportunities
- a wider choice of travel methods

-to cultural facilities:

more participants
participants from a wider range of society

-to potential employers:

a greater range of employees
decreased labor costs
a greater selection of business locations

-to society:

decreased loads on social and community institution
increased participation by all citizens in a full range of
social activities.

(American Society of Landscape Architects Foundation, Vol 1, 1:17, 18)

REFERENCES

Achtenberg, Jack.

"Crips" Unite to Enforce Symbolic Laws: Legal Aid for the Disabled:
An Overview. University of San Fernando Valley Law Review, 1975.

American Society of Landscape Architects Foundation.

Department of Housing and Urban Development
Office of Policy Development and Research.
Volumes 1 and 3 (no date given).

Kansas State Park and Resources Authority.

Recreation for the Physically Handicapped in Kansas. April, 1976.

Kliment, Stephen A.

Into the Mainstream: A Syllabus for a Barrier Free Environment.
The Rehabilitation Services Administration. HEW, The American In-
stitute of Architects, 1976.

KSA 12-696 - Curb Ramping on Streets

12-6,101

KSA 58-1301 - Public Buildings (State Funded) Accessible to the Handicapped

58-1305



JAMES R. TURNER
PRESIDENT

SUITE 612 • 700 KANSAS AVE. • TOPEKA, KANSAS 66603 • PHONE (913) 232-8215

Attachment I

July 28, 1977

TO: SPECIAL COMMITTEE ON FEDERAL AND STATE AFFAIRS
FROM: JIM TURNER, KANSAS SAVINGS AND LOAN LEAGUE
RE: PROPOSAL 27 - PHYSICALLY HANDICAPPED STANDARDS

The federal Rehabilitation Act of 1973, P.L. 93-112, as amended in 1974, P.L. 93-516, provides law as to the affirmative action obligations of contractors and subcontractors in the employment of handicapped workers. Since most financial institutions are federal contractors compliance with the aforementioned law is required.

However, we are not familiar with federal law which is applicable to the general public as to access for the physically handicapped. However, we are pleased that most of our member associations in their new structures have sought, to the best of the ability and affordability, to provide ramps, elevators, and parking space for the handicapped.

We welcome the special committee's study of Proposal 27 and remain available to work with the committee on this subject. We would only hope that the conclusions and recommendations are reasonable. Further, we would ask that the committee give consideration to a form of tax credit to those businesses that build or remodel their structures to accommodate handicapped persons.

J .T.

JRT:be

REPRESENTING THE SAVINGS AND LOAN BUSINESS OF KANSAS

"MEETING HOUSING NEEDS AND HUMAN NEEDS"

Atch. V



Attachment VI

DIVISION OF ARCHITECTURAL SERVICES

Telephone 296-3811

State Office Building, 12th Floor

Topeka, Kansas 66612

July 22, 1977

Senator John Crofoot, Chairman
Special Committee on Federal & State Affairs
Capitol Building -
Topeka, Kansas 66612

Honorable Chairman and Members of the Committee:

I appreciate the opportunity to discuss the matter of providing accessibility for handicapped people. Certainly it is a step forward in the right direction to make more buildings provide for accessibility since it is obvious that the voluntary approach has not accomplished meaningful ends.

It is my opinion that meaningful standards to require compliance is needed and desirable. Each new building constructed should provide a means within limits to permit accessibility of persons in wheel chairs.

I would suggest however that consideration be given to exempt one and two family dwellings and perhaps some provisions for exemptions to small commercial structures.

If there is consideration being given to provide standards which are retroactive to existing buildings it may be difficult to achieve a meaningful goal. Each existing building would have to be inspected and considered in light of the specific restrictions already built into that existing building. In some instances it would be economically unfeasible to require existing buildings to meet all of the requirements for accessibility particularly regarding elevators and in some instances increased size of restroom facilities.

The cost to modify an existing building would have a wide range of estimates simply due to the fact that each building is considered different and each building would require a separate set of requirements. I would not hazard a guess in order to establish an average cost to renovate existing structures.

I would be most happy to answer any questions you may have.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Louis J. Krueger'.

Louis J. Krueger
Director

LJK:ks

cc: Gen. Keith Weltmer

Atch. VI



TOPEKA METROPOLITAN TRANSIT AUTHORITY
Administrative Offices / 201 North Kansas / Topeka, Kansas 66603 / Phone (913)233-2011
Passenger Services Office / 8th and Kansas, / Topeka, Kansas 66603 / Phone (913)354-9571

Elderly and Handicapped Transportation

This particular issue has gained its time and awareness in the past few years that important subjects have to have in order to fulfill them and solve problems connected with them. By having several mass transit industries, including Topeka, start accessible mass transit for all, it has shown that there are many needs for transportation by all people, including the elderly and handicapped. The progress reports included in your material also shows you that fact.

There were many facts and figures found out about elderly and handicapped transportation after it was started in Topeka and all across the U.S. First, state and federal money is needed for this transportation just like all transportation facilities for everybody. Second, elderly and handicapped people can use mass transit for transportation just like your able-bodied citizens. Only differences needed were completely accessible buses, which have been made before, and more structured routes to bring the elderly and disabled people close to boarding the bus and bringing them as close as possible to their destination. Thirdly, by having transportation the elderly and handicapped have helped out the total communities in all their activities as the able-bodied population does. Fourthly, with accessible transportation many isolated and

sheltered elderly and handicapped have become, for the first time - or again, productive and well established citizens.

In closing I would like to thank all you legislators who helped in establishing suitable elderly and handicapped mass transit. I also urge all of you in the future to help push hard transportation accessibility for all elderly and handicapped. The reason again I will state, by opening transportation to elderly and handicapped you have helped them out immensely. In turn they have helped everybody in the U.S. out by becoming useful and productive U.S. citizens.

Atch. VII

THE LIFT
MONTHLY PROGRESS REPORT

MONTH OF: May, 1977

7/11

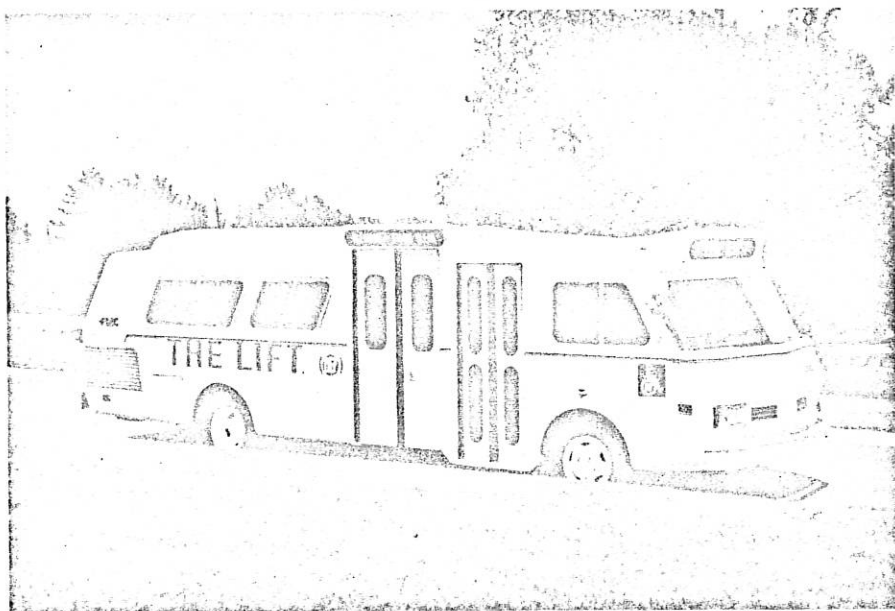
	This Month	Last Month	% Change	Year to Date
Route Miles:	7,654	7,751	-1.3	66,139
Charter Miles:	456	149	+206.0	948
Total Bus Miles:	8,110	7,900	+2.7	67,087
Revenue Passengers	1,777	1,659	+7.1	13,344
Charter Passengers:	412	112	+262.9	748
Wheelchair Pass:	732	720	+1.7	5,269
Ambulatory Pass:	1,045	1,051	-0.6	8,526
Total Passengers:	2,189	1,771	+23.6	14,207
Operating Days:	21	21		232
Week Days:	21	21		232
Saturdays:	-	-		-

THE LIFT
MONTHLY PROGRESS REPORT

MONTH OF: July 1976

	This Month	Same Month Last Year	% Change	Last Month	This Year To Date	Last Year To Date	% Change
Route Miles:	3,034	-	-	-	3,034	-	-
Charter Miles:	-	-	-	-	-	-	-
Total Bus Miles:	3,034	-	-	-	3,034	-	-
Revenue Passengers	379	-	-	-	379	-	-
Charter Passengers:	-	-	-	-	-	-	-
Wheelchair Pass:	136	-	-	-	136	-	-
Ambulatory Pass:	240	-	-	-	240	-	-
Total Passengers:	379	-	-	-	379	-	-
Operating Days:	19	-		-			
Week Days:	19	-		-			
Saturdays:	-	-		-			

THE LIFT



WHAT IS THE LIFT?

The Lift is a unique new public transportation program of the Topeka Metropolitan Transit Authority (TMTA). It was initiated during the summer of 1976. The program, the first of its type in Kansas, and the fourth of its kind in the U.S., has been created to bring mobility to persons heretofore denied access to public transportation.

The service features both special public transportation equipment and a subscription for service, featuring door-to-door bus transportation with priority given, but not limited to, work, school and rehabilitation trips made by the handicapped and elderly.

WHO IS ELIGIBLE TO USE THE SERVICE?

All residents in the present transit service area are eligible for subscription in the program. Priority is given to the elderly and handicapped. However, citizens *under* 65 years of age and those who are *not* physically handicapped are eligible for the Lift service as well.

HOW ARE PATRONS SELECTED?

All applications are reviewed and priorities established for the most vital work, school and rehabilitation trips. Additional trip requests for medical visits, shopping, recreation and cultural programs can be made when a bus is available.

HOW DOES THE SERVICE WORK?

Persons complete a subscription form establishing the nature of their disability if any, and their transportation needs. These forms are carefully evaluated and priorities established for essential trips. To maximize the use of the available equipment, schedules are established matching the transit origins and destinations and the time requirements of the patrons. The trips are scheduled on a regular basis to bring the equipment to the largest possible number of patrons with special needs. Trips originate at the patrons door and terminate at the closest possible point to the destination. The return trips operate in the same manner.

Additionally, the service is designed to provide the closest possible time schedule to the needs of the patron. The Lift is in service Monday through Friday 6:30 A.M. to 6:30 P.M. and Saturdays 8:00 A.M. to 6:00 P.M. The fare is \$1.

THE LIFT SUBSCRIPTION FORM

NAME _____

ADDRESS _____

TELEPHONE (during the day) _____ Zip code 6 6 6 _ _

- I AM. () Over 65
() Visually impaired
() Hard of hearing
() Confined to a wheelchair
() Able to walk with assistance
() crutches () walker
() other (describe) _____

I NEED: (circle trip(s) needed and complete the following)

WORK TRIP

Circle applicable

days of week MON TUE WED THUR FRI SAT

Arrival time _____ Return trip departure time _____

Work name _____

Work address _____

How do you get to work today? _____

WOULD YOUR EMPLOYER MAKE ALLOWANCE FOR A LATE ARRIVAL?

() YES () NO

SCHOOL TRIP

Circle applicable

days of week MON TUE WED THUR FRI SAT

Arrival times _____ Return trip departure time _____

School name _____

School address _____

How do you get to school today? _____

OTHER TRIPS (explain, i.e. Medical, Shopping, Meeting, Visit, etc.)

TRIP _____

Circle applicable

days of week MON TUE WED THUR FRI SAT

Arrival time _____ Return trip departure time _____

Destination name _____

Destination address _____

How do you get there today? _____

IF YOU HAVE A TRANSPORTATION PROBLEM TODAY, WHO DO YOU CALL?

- () Taxi
- () State Agency (name) _____
- () Salvation Army
- () Red Cross
- () Social service agency (name) _____
- () Other (friend, etc.) _____

FIRST FOLD

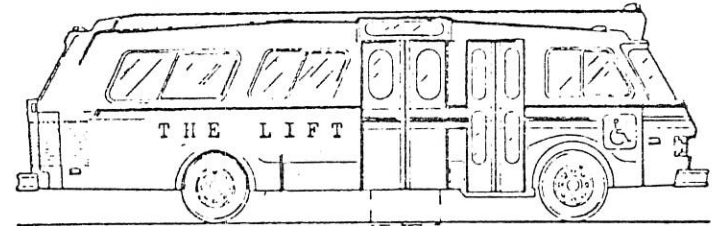
STAPLE

SECOND FOLD

From: _____

FIRST
CLASS
STAMP

INTRACITY TRANSIT
LIFT SERVICE
201 N. KANSAS
TOPEKA, KANSAS 66603



WHAT SPECIAL EQUIPMENT IS PROVIDED?

The Lift includes 2 buses designed to the specifications of the MTA, and engineered and built by FMC, Inc. of San Jose, California. The equipment features hydraulic lift devices, wider doors and four wheelchair lock-down devices. Extendable, low-level steps at the front door permit easy boarding. Conveniently placed fare boxes, padded handrails, bus stop bells that can be rung with the elbow and improved lighting are other features. The bus itself has a special suspension system offering a smoother ride for the patron, large windows and full air-conditioning for passenger comfort.

CAUTION

BOARDING PASSENGERS MUST STAY AT LEAST SIX FEET AWAY FROM SIDE OF COACH TO REMAIN CLEAR OF LIFT ELEVATOR.

WHAT IS EXPECTED OF THE PATRON?

Because the Lift is a unique and special public transit service the cooperation of the patron is important to make the service function efficiently for himself and his fellow passengers.

While riding the Lift bus, patrons are asked not to smoke, and to refrain from carrying food or drink onto the bus. If at all possible, 24 hours notice should be given for scheduled pick-ups. In case of a cancellation, or if connections with the Lift are missed, call 232-9100 immediately. To make everyone's trip more speedy and efficient, patrons are asked to be on time for their bus and to have their fare money ready if possible, when boarding. The patron is re-

IF YOU HAVE A TRANSPORTATION PROBLEM TODAY, WHO DO YOU CALL?

- () Taxi
- () State Agency (name) _____
- () Salvation Army
- () Red Cross
- () Social service agency (name) _____
- () Other (friend, etc.) _____

FIRST FOLD

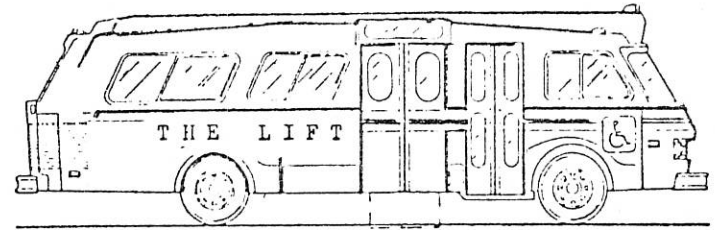
STAPLE

SECOND FOLD

From: _____

FIRST
CLASS
STAMP

INTRACITY TRANSIT
LIFT SERVICE
201 N. KANSAS
TOPEKA, KANSAS 66603



WHAT SPECIAL EQUIPMENT IS PROVIDED?

The Lift includes 2 buses designed to the specifications of the MTA, and engineered and built by FMC, Inc. of San Jose, California. The equipment features hydraulic lift devices, wider doors and four wheelchair lock-down devices. Extendable, low-level steps at the front door permit easy boarding. Conveniently placed fare boxes, padded handrails, bus stop bells that can be rung with the elbow and improved lighting are other features. The bus itself has a special suspension system offering a smoother ride for the patron, large windows and full air-conditioning for passenger comfort.

CAUTION

BOARDING PASSENGERS MUST STAY AT LEAST SIX FEET AWAY FROM SIDE OF COACH TO REMAIN CLEAR OF LIFT ELEVATOR.

WHAT IS EXPECTED OF THE PATRON?

Because the Lift is a unique and special public transit service the cooperation of the patron is important to make the service function efficiently for himself and his fellow passengers.

While riding the Lift bus, patrons are asked not to smoke, and to refrain from carrying food or drink onto the bus. If at all possible, 24 hours notice should be given for scheduled pick-ups. In case of a cancellation, or if connections with the Lift are missed, call 232-9100 immediately. To make everyone's trip more speedy and efficient, patrons are asked to be on time for their bus and to have their fare money ready if possible, when boarding. The patron is re-

IF YOU HAVE A TRANSPORTATION PROBLEM TODAY, WHO DO YOU CALL?

- () Taxi
- () State Agency (name) _____
- () Salvation Army
- () Red Cross
- () Social service agency (name) _____
- () Other (friend, etc.) _____

FIRST FOLD

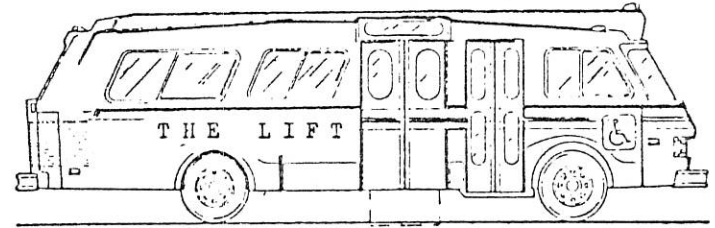
STAPLE

SECOND FOLD

From: _____

FIRST
CLASS
STAMP

INTRACITY TRANSIT
LIFT SERVICE
201 N. KANSAS
TOPEKA, KANSAS 66603



WHAT SPECIAL EQUIPMENT IS PROVIDED?

The Lift includes 2 buses designed to the specifications of the MTA, and engineered and built by FMC, Inc. of San Jose, California. The equipment features hydraulic lift devices, wider doors and four wheelchair lock-down devices. Extendable, low-level steps at the front door permit easy boarding. Conveniently placed fare boxes, padded handrails, bus stop bells that can be rung with the elbow and improved lighting are other features. The bus itself has a special suspension system offering a smoother ride for the patron, large windows and full air-conditioning for passenger comfort.

CAUTION

BOARDING PASSENGERS MUST STAY AT LEAST SIX FEET AWAY FROM SIDE OF COACH TO REMAIN CLEAR OF LIFT ELEVATOR.

WHAT IS EXPECTED OF THE PATRON?

Because the Lift is a unique and special public transit service the cooperation of the patron is important to make the service function efficiently for himself and his fellow passengers.

While riding the Lift bus, patrons are asked not to smoke, and to refrain from carrying food or drink onto the bus. If at all possible, 24 hours notice should be given for scheduled pick-ups. In case of a cancellation, or if connections with the Lift are missed, call 232-9100 immediately. To make everyone's trip more speedy and efficient, patrons are asked to be on time for their bus and to have their fare money ready if possible, when boarding. The patron is re-

le for his trip from his point of origin to the curbside and for the com-
of his trip once departing the bus. (It is recommended that patrons
-rise apartments plan their trips to be at the front door of their home a
minutes prior to the scheduled arrival of the bus.) Patrons are asked to
onsible for disposition of all articles brought onto the bus.

s in wheelchairs are expected to station themselves in the special lock-
devices, which have been designed and tested to make this maneuver
ient. *Patrons in wheelchairs are required to use the lock-down devices*
ety reasons.

AVAILABLE FOR CHARTER?

l needs groups or organizations may charter this special equipment on
ailability basis and at the same charter rates applicable for charter of
her Intracity Transit buses.

WHAT OTHER SPECIAL PROGRAMS IS TMTA OFFERING?

Topeka Metropolitan Transit Authority's daily route service buses also
a service for elderly and handicapped citizens. It offers a half-fare pro-
for persons over 65 years during non-peak times weekdays and all day
day. Persons with physical impairments who can use the daily route
e are eligible for this fare reduction, as well.

Topeka Metropolitan Transit Authority will work with a citizens ad-
y committee to develop additional programs that are aimed to meet the
of older and physically impaired citizens in the community.

WHERE DO I CALL FOR ADDITIONAL INFORMATION?

phone

232-9100

enclosed insert is a Lift Subscription form. If you want to utilize the Lift
ce, complete this form and mail it to the Topeka Metropolitan Transit
ority, 201 N. Kansas, Topeka, Kansas 66603. The purpose of this form is
nable TMTA to determine demand for the Lift service. The completion of
form DOES NOT obligate you. However, in order for us to establish your
s we need this form on file. Please complete the form in full. You will be
acted as soon as service information is finalized.

The Problem of Elderly and Handicap Transportation

In the past several years the elderly and handicapped citizens have begun to speak out for their rights that have either been ignored or suppressed for many years. These particular citizens have been a part of the silent majority until now.

One of the major issues brought up has been the lack of public transportation for the elderly and handicapped. To be a productive citizen of the U.S. the elderly and handicapped must have access to their respective communities. Many citizens, of the U.S. citizens, have to rely on public transportation for this need for various reasons. The elderly and handicapped are no different. Plus the fact that with the everlasting problem of the fuel shortage there will have to be other methods of transportation available to help solve this problem. Public mass transportation is definitely a way of helping to remedy this problem. As the years move on, more and more people will be relying on public transportation to move them around their communities, again, the elderly and handicapped are no different.

There has been many projects started in the U.S. to provide transportation for the elderly and handicapped. Such a program is the "Lift" program started in Topeka, Kansas started in July of 1976. The program is run by using three buses which are totally accessible

for everyone including the handicapped and elderly. This fact plus the service of providing door to door service with this particular program has definitely been a major step in finding an answer to the transportation problem of the handicapped and elderly.

In the past few years there has been several law suits filed against the Urban Mass Transportation Administration to force them to make all public mass transit buses accessible. U.M.T.A. has balked at this request because of the staggering cost to make all buses completely accessible.

I am handicapped. I have been in a wheelchair all of my life because of a birth defect. I also am the coordinator for the elderly and handicapped for the Topeka Metropolitan Transit Authority in Topeka, Kansas. I have run the "Lift" program from its inception. I feel because of my job and my handicap I can give a non-partisan but factual report on this current issue.

I have come to the conclusion that making all public mass transportation buses accessible is not the solution to the problem. There are many reasons for this conclusion. The first being I can safely say if all buses in Topeka were made accessible there would only be a small portion of my current riders who could use them anyway. It would not do UMTA or the elderly and handicapped any good at all to make the buses accessible of the elderly and handicapped could not get to them. This is more than likely the problem in every other city. Just making them

accessible is not going to solve the problem. Most elderly and handicapped need the door to door service such as we provide. We pick them up as close as we can get the bus to their origin and drop them off.

Another problem that would occur is that bus schedules would be ruined by trying to integrate the handicapped into the regular route system. It takes approximately three to five minutes to board a wheelchair and safely secure them for safe transportation. If you were to pick up more than two wheelchairs on one bus run your time schedule would be destroyed. This also causes the problem of giving the able-bodied population a negative attitude towards the elderly and handicapped because of constantly making them late. By making all buses accessible you are in essence "forcing" the elderly and handicapped on the able-bodied population. This will cause great attitudinal barriers to be put up between all sides. By using our system of the "Lift" your bus routes and schedules are made for the elderly and handicapped. And if the able-bodied population wants to use our system its very easy to integrate them into the "Lift" system.

This brings me to another point. It seems that most every elderly and handicapped transportation system runs into immediate if not forthcoming financial problems. There is no doubt that running a door-to-door bus route with \$60,000 buses is going to cost more than regular transit systems. Yet it seems everyone tries to run these

on a cheaper or the same fare as a regular system. Although this is a very kind gesture it is very impractical. No one can expect to get completely accessible buses with door to door service for a quarter or fifty cent fare. The elderly and handicapped were made aware of the reasons for the \$1 fare and it was generally well accepted. Although this by no means solves the financial problem of running the system it at least "keeps us in the ball park."

One more point to bring up is that there has been some who have suggested using vans to transport the elderly and handicapped instead of regular transit buses. We felt that with the cost of having to buy more vans and hire more drivers to cover the same area the cost of the program would have been comparable to what it now costs. So you're not going to save that much money. It is known that with enough vans you could cover a larger area than our two buses could. However there is another point to consider. By doing this you may be helping the transportation problem, but you're completely segregating the elderly and handicapped from the public. With our system you're allowing the general public and the elderly and handicapped to integrate. Most elderly and handicapped do not want to be transported around like cattle by putting them in the most convenient and cheapest mode of transportation available. They deserve proper mass transportation as well.

In closing I would like to say that although our present system does help, the LIFT system for the elderly and handicapped by no means solves the problem. Our present system could become over-loaded very easily if it is not administratively controlled or if transportation means do not keep up with the demand. The problem of providing transportation for elderly and handicapped is by no means an easy thing to do. But with the proper planning and proper control it can be solved. The Urban Mass Transportation Administration has the tools to do this. I think it's time the elderly and handicapped got behind U.M.T.A. and worked together instead of forcing issues with negative responses. And U.M.T.A. must listen to the elderly and handicapped consumer in order to solve the problem. After all the elderly and handicapped are the ones with the problem.

Jack D. Malone
Jack D. Malone
Coordinator for the
Elderly and Handicapped

In closing I would like to say that although our present system does help, the LIFT system for the elderly and handicapped by no means solves the problem. Our present system could become over-loaded very easily if it is not administratively controlled or if transportation means do not keep up with the demand. The problem of providing transportation for elderly and handicapped is by no means an easy thing to do. But with the proper planning and proper control it can be solved. The Urban Mass Transportation Administration has the tools to do this. I think it's time the elderly and handicapped got behind U.M.T.A. and worked together instead of forcing issues with negative responses. And U.M.T.A. must listen to the elderly and handicapped consumer in order to solve the problem. After all the elderly and handicapped are the ones with the problem.

Jack D. Malone
Jack D. Malone
Coordinator for the
Elderly and Handicapped

JUSTIFICATION OF NEED FOR
TOTAL ACCESSIBILITY WITHIN THE
STATE OF KANSAS

"More buildings will be built for public use in America during the next ten years than have been built in the last 200 years." (Forward to building design manual, American Institute of Architects, 1971.)

The National White House Conference on Handicapped Individuals was held in Washington, D. C., May 22 - 27, 1977. The results of the people's top three priority votes from nationwide representation, regarding architectural accessibility were as follows:

1. MORE SPECIFIC ACCESSIBILITY LEGISLATION - 1237 (number of votes)

At the Federal, State, and local level, additional legislation is needed to strengthen existing architectural barriers laws by making them more specific regarding accessibility criteria, and by providing strict enforcement procedures, including more severe penalties and fines for non-compliance.

2. UNIFORM ACCESSIBILITY SPECIFICATIONS - 742 (number of votes)

Architectural accessibility specifications and criteria should be uniform nationwide, whether in building codes or standards.

3. STATE AND LOCAL BUILDING CODES - 741 (number of votes)

Each State should enact a statewide accessibility building code and communities should amend local building codes and ordinances to mandate architectural accessibility.

The goals of citizens with physical disabilities, limitations or impairments are to have access to and throughout all buildings so they can live a more normal, more equal life and assume full responsibilities as citizens - to work, to play, to socialize. If this goal were shared by everyone, we would be living in a barrier free environment. We are not living in a barrier free environment. Reasons for our barrier-ridden world are: (1) people are not educated to the all encompassing values of an

accessible environment; (2) people resist change until they see the economic impact of change; (3) people don't want barriers erased because of the uncomfortable feelings that accompany integration of disabled and non-disabled. Whether we admit so or not, almost everything we do confirms our conviction that only healthy white law-abiding adulthood has the potential for productive, independent, vigorous, and worthwhile existence. Once changes in architectural barriers occur and barriers begin to disappear, all prior reasoning becomes totally unjustified.

Presently all states must comply to the law that says buildings built with public money funds (libraries, Federal and State buildings, etc.) must be accessible. These buildings are not buildings that people utilize daily or most frequently. Buildings such as recreation facilities, swimming pools, restaurants, taverns, sports complexes, gymnasiums, theaters, clothing establishments, drug stores, all convenience marts, etc. are the areas people frequent everyday, spend more money and receive social contact. These buildings are where Americans live their lives. These buildings are the largest areas of 2269 concern. These buildings are the doors that must be opened to cause economic impact, total integration, socialization, and a dramatic reduction of unemployment in our state for citizens with disabilities - a total which is no less than one in every ten of our states' population of 250,000 people. This number increases to 500,000 when you include the aged over 65 and the young under 16 years of age.

This population of people will dramatically increase with improved medical technology that will, in turn, increase life spans, and also with increased recreational and industrial activities which will intensify accident and physical disabilities. Even the 55 mile per hour speed limit has and will increase the disabled population. The numbers will grow rapidly - so, the need for total accessibility must be met immediately. The basis for meeting that need lies before you in the form of 2269.

Arch. VIII

THE PROBLEM

People are handicapped by a poorly designed environment that fails to meet their widely varying needs.

WHO IS HANDICAPPED?

At some stage in life, every person may experience a condition under which he could be classified as handicapped. During the natural process of aging, from infancy to death, people pass through periods of varying ability and disability. We may define a handicapped person as someone who is prevented from using or doing a particular thing because of the design of a facility or the design of a piece of equipment.

The child or small person who needs to use a coin telephone and cannot reach the high coin slot is handicapped. The elderly person whose impaired vision makes it impossible to read scarcely legible signs and markings, the student whose study space is poorly lighted, the pregnant woman who must climb long flights of stairs, the mover who must carry a piano through a narrow door, as well as a person who uses a walker or wheelchair and cannot climb stairs or enter a toilet stall -- all are handicapped by facilities. An environment that has been designed for a mythical average or "normal" person who is of average size and who possesses full and complete use of all physical, mental, and emotional faculties will not meet the needs of most people. Must it be necessary for one to be at the peak of human physical development to be able to enter our buildings and enjoy the many varied experiences our society has to offer?

Because of incomplete development, aging, accident, heredity, or disease, many people may not have complete use of all their senses or all parts of their bodies. The dysfunctions or disabilities resulting from these causes have been identified by Dr. Edward Steinfeld at Syracuse University as follows:

1. Difficulty interpreting information
2. Impairment of sight
3. Impairment of hearing
4. Loss of agility, reaction time
5. Prevalence of fainting, dizziness, poor balance
6. Incoordination
7. Limitation of stamina
8. Difficulty moving head
9. Difficulty lifting and reaching
10. Difficulty handling and fingering
11. Inability to use arms, shoulders
12. Difficulty bending, sitting, turning, etc.
13. Difficulty using legs and feet
14. Inability to use legs and feet
15. Hypesthesia (sensory loss)
16. Dimensional extremes

People suffering any one or a combination of these dysfunctions are disabled to varying degrees. The variations and possible combinations of these dysfunctions are almost limitless.

NUMBERS OF DISABLED PEOPLE

While it may be possible to determine the approximate number of people who are aged or have a particular disease or injury type, it is impossible to determine which disabilities have resulted from these causes. Adding to the difficulty of determining how many disabled people there are is the fact that some disabilities are temporary as with broken bones or pregnancy; others are progressive, and others are permanent and constant. It is obvious that the number of disabled people is large; with improved rehabilitation methods and increased medical care, fewer people will die and the number of disabled

people will increase.

Greater numbers of disabled people can be expected to lead active lives, hold jobs, and otherwise participate in society, if the design of buildings and adjacent space, as well as the selection of hardware and equipment, do not present obstacles for them. Great expense and effort in rehabilitation is thwarted by features such as curbs, stairs, difficult signs, steep slopes, slippery surfaces, extreme glare, ambiguous spaces, and long distances. These and other obstacles may be integral features of our buildings, outdoor spaces, hardware, equipment, and manufactured products. Although commonly called architectural barriers, they might more appropriately be called accessibility or environmental barriers in that they are present virtually everywhere.

HOW BARRIERS AFFECT PEOPLE

If for some reason a person is limited in ability to move about freely, be it due to lack of transportation or a disability, it may:

- decrease opportunities for interaction with others and cause isolation, loneliness and social deprivation;
- reduce access to needed services and jeopardize safety;
- produce frustration, humiliation, and poor self-image;
- limit opportunities for employment;
- prohibit independent living.

WHY DO BARRIERS EXIST?

As man-made products, barriers are design elements planned and constructed by those designers, architects, engineers, and public and administrative officials who shape our world. Barriers are created inadvertently by designers who know little or nothing of the widely varying abilities of their "clients".

THE SMALL NUMBERS ARGUMENT

Environmental barriers have kept disabled people from becoming independent and have restricted their mobility to the home or places of care such as nursing homes or institutions. Designers simply have not seen large numbers of disabled people holding jobs or moving about and therefore have difficulty believing that sufficient numbers of people exist to warrant their consideration in design. (This is a classic case of the chicken or the egg--which comes first, accessibility or visibility?) Some people who are aware of both how to design for all people and of the potential of disabled people still may not be fully aware of the great numbers of people affected or may not imagine that an able-bodied person may at any moment become disabled.

STATEMENT OF KENNETH S. FOUSEK
CONCERNING HOUSE BILL 2269

My name is Kenneth S. Fousek. I am Project Director of the Topeka-Shawnee County Housing Accessibility Survey which is a project to find residential housing alternatives for the Elderly and the Handicapped. I was also Co-Director along with Mr. Joe Greve of the Kansas White House Conference on Handicapped Individuals. I make this statement both as a handicapped individual and as a professional working in the field of Handicapped people.

Accessibility of housing or other buildings should not be specifically said to be aimed at or to benefit a certain group. At some time in their lives each and every individual in this room has or will experience some degree or type of disability and/or handicapping condition. Admitted there is much need for compiled information and research to make an accurate assessment of the housing needs of the handicapped. Under my remarks also keep in mind the needs of the Elderly because they also have most of the same basic problems and needs as they relate to housing. An inclusion of questions concerning disability or handicapping conditions will be included in the 1980 or 1985 National Census of U.S. Populations. According to the 1970 National Census approximately 2,246,548 people lived within the State of Kansas. Ten to twelve percent of the population were deemed as being handicapped including the figures for institutionalized populations. Accordingly, nearly 250,000 Kansans could be initially affected by House Bill 2269.

There are mainly two reasons which have hindered accessibility in housing. The first is design which elevated the level of the house and also encouraged building a second or higher floor. This was encouraged because sleeping on the first floor or basement was thought to be unhealthy 100 years ago. Also the styles of the times tended towards the building of more ornate houses when more people could afford them. Victorian influences are still felt in the way we build our houses and other buildings today.

Technology also gave us the knowledge and ability to build taller and bigger structures which fit the needs of the growing cities of the 1860's. Elevators were in existence and in limited usage, but costs and also some distrust of the technology and its mechanics, its safety and reliability limited its use. But also the handicapped of 100 years ago were not much evident to a wide extent within the community. When they were evident, they usually were not wanted. They usually were segregated from the rest of the community. There was fear and many negative attitudes to overcome.

Technology also gave us something else which hinders us today. Standardization is the second factor which has limited the handicapped and their goal of Accessibility. Since the handicapped were not evident within the community and their basic problems and needs, in this case as it relates to housing, were not very well known outside of that individual's family. Certain standards related to construction of housing and other buildings were made without being aware or having the willingness to consider the problems and needs of the handicapped. There needs to be some changes in construction standards. Changing standards of the construction industry to facilitate accessibility will incur reasonable costs. The biggest thing which needs changing is attitudes.

I feel that House Bill 2269 represents a positive step in the right direction of giving people a greater opportunity to have control over their own lives and their ability to create their own lifestyle. It will accent existing federal and state legislation requiring accessibility in "public" buildings.

I feel that two changes need to be made within the proposed bill. Line 50 of the bill should be changed to reflect fifteen (15) instead of twenty (20) units as the initiation point for accessibility in housing projects, thus increasing the number of persons aided by the legislation.

Following the word "units" in line 52, the words "dispersed throughout" should be inserted. This would have the effect of furthering the integration of the disabled within natural social settings.

Thank you for this opportunity to appear before this panel and express my thoughts on this issue of importance to so many.

Attachment X

Status of Code Provisions
for Accessibility for the Handicapped

BOCA Basic Building Code
Article 316 - (pg. 93, 94, 95, 96)

- Applies to: A. All new construction.
- B. Existing buildings only when major remodeling or rebuilding involving 50 percent of the cost or upon change of occupancy.

Several proposed code changes all denied on recommendation of Ad Hoc Committee pending publication of the ANSI Standard.

ICBO - Uniform Building Code
Article 33 - Table 33A (pg. 519 - 520)

Applies to new construction - provisions similar to BOCA.
No major code changes under consideration.

SBOC - Southern Standard Building Code
Provisions similar to BOCA & ICBO.

No intention of applying to retrofit other than traditional building code requirements relating to 50 percent remodeling or rebuilding or change of occupancy.

State of Michigan

Extensive barrier free provisions exceeding those of three model codes for new construction and existing buildings under change of occupancy or remodeling and rebuilding.

Regulations also apply to all existing state buildings. State owned buildings being remodeled through rebuilding program - state leased buildings must be remodeled to comply prior to renewal of lease.

Extremely expensive - difficult on old buildings with limited ground for construction of access ramps.

Board of Appeals busy with hardship cases - frequently allow three to five year extension.

American National Standards Institute

Ad Hoc Committee and Syracuse University working for months on new standard which is already behind schedule.

Draft has been out for ballot - numerous objections and comments received.

Revised draft to be re-balloted soon.

Will not apply retroactively.

GENERAL BUILDING LIMITATIONS

Such permits shall be limited as to time of service, but such temporary construction shall not be permitted for more than one (1) year.

315.2 Special approval: All temporary construction shall conform to structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code necessary to insure the public health, safety and general welfare.

315.3 Termination of approval: The building official is hereby authorized to terminate such special approval and to order the demolition of any such construction at his discretion, or as directed by the decision of the board of appeals.

SECTION 316.0 PHYSICALLY HANDICAPPED AND AGED

316.1 Applicability: The provisions of this section shall apply to all levels and areas used by the general public, employees, persons visiting or on the premises for any reason and shall apply to all use groups except R-3 and T.

316.1.1 Modifications: Where it can be demonstrated that one (1) or more of the following provisions is not applicable to the proposed use and occupancy, modifications may be sought under the provisions of Section 110.0.

316.2 Special requirements

316.2.1 Residential (R-1) use: At least one (1) bedroom unit for every twenty-five (25) bedroom units or fraction thereof in use group R-1 (residential, hotels) buildings shall be made accessible to the physically handicapped persons. The bedroom units allocated for the physically handicapped shall be proportionately distributed throughout all types of units.

316.2.2 Residential (R-2) use: At least one (1) dwelling unit for every twenty-five (25) dwelling units or fraction thereof in use group R-2 (residential, multi-family) buildings shall be made accessible to the physically handicapped persons. The dwelling units allocated for the physically handicapped shall be proportionately distributed throughout all types of units.

316.3 Building entrance: At least one (1) primary entrance at each grade floor level of a building or structure shall be accessible from the parking lot or the nearest street by means of a walk uninterrupted by steps or abrupt changes in grade and shall have width of not less than five (5) feet and a gradient of not more than one (1) foot in twenty (20) feet or a ramp meeting the requirements of Section 615.0. This entrance shall comply with requirements of Section 612.0.

316.4 Parking lots and building approaches: A parking lot servicing each entrance described in Section 316.3 shall have a number of level parking spaces as set forth in the following Table 316.4, identified by

Atch. X

Table 316.4
ACCESSIBLE PARKING SPACES

Total parking in lot	Required number of accessible spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

above grade signs as reserved for physically handicapped persons. Each reserved parking space shall be not less than twelve (12) feet wide.

316.4.1 Parking spaces: Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces should be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

316.4.2 Curbs: Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access.

316.5 Interior access: Interior means of access to all floor levels shall be provided by ramps meeting the requirements of Section 615.0 or elevators, and access to all points on each floor level shall be provided by means of passageways, corridors, and doorways meeting the requirements of Sections 610.0, 612.0 and 625.0.

316.6 Electrical switches, controls, and fire alarms: Light switches, controls, fire alarms, etc., shall be located not more than four (4) feet above the floor.

316.6.1 Telephones: Where a public or pay phone is installed, five (5) per cent or not less than one (1) telephone shall be accessible to, and usable by, physically handicapped persons. Such telephones shall have the dial, coin slot, and handset not more than fifty-four (54) inches above the floor.

316.7 Elevator requirements: If interior access in multi-story buildings is provided by elevator(s), at least one (1) elevator shall meet the following requirements listed below.

1. The elevator cab shall have a clear area of not less than twenty-five (25) square feet with a minimum dimension of fifty-six (56) inches.

84

GENERAL BUILDING LIMITATIONS

2. The elevator door shall have a minimum clear opening width of thirty-two (32) inches.
3. The floor and control buttons shall be located not more than sixty (60) inches above the floor.
4. Braille plates shall be provided adjacent to all cab control buttons and switches.
5. Braille plates shall be provided for floor designation on each floor, sixty (60) inches above the floor, on the fixed point at the open side of the elevator door.

316.8 Access to plumbing fixtures

316.8.1 Toilet rooms: At least one (1) toilet room and one (1) fixture within such room shall be accessible to and usable by, physically handicapped persons. A toilet room shall have a clear space beyond the room door swing of not less than sixty (60) inches by sixty (60) inches.

316.8.2 Water closet stall: The clear width between the face of a water closet stall and a wall shall be not less than forty-eight (48) inches. A water closet stall shall be not less than forty-two (42) inches wide, seventy-two (72) inches deep, and have an out-swinging door at least thirty-two (32) inches wide or an opening at least thirty-two (32) inches wide. Handrails shall be provided on both sides of the water closet that are not less than forty-two (42) inches long and mounted thirty-three (33) inches above and parallel to the floor, with the front end positioned twenty-four (24) inches in front of the water closet. Handrails for children shall be twenty-eight (28) inches above the floor.

316.8.3 Water closet: A water closet shall have a seat seventeen (17) inches from the floor, [fifteen (15) inches for children], and have a narrow understructure that recedes sharply from the front. The trap shall not extend in front of, or be flush with, the lip of the bowl. Where only one (1) water closet is required in the facility, a standard height model may be used.

316.8.4 Urinal: Toilet rooms for men shall have a wall mounted urinal with the opening of the basin nineteen (19) inches from the floor, or shall have floor-mounted urinals that are level with the main floor of the toilet room.

316.8.5 Drinking fountain: Where a drinking fountain is required, five (5) per cent or not less than one (1) drinking fountain or other water dispensing means shall be accessible to, and usable by physically handicapped persons. A floor type, wall-mounted, or semi-recessed (fully-recessed not acceptable) drinking fountain or cooler shall have a spout and hand control near the front of the unit with the basin located not more than thirty (30) inches above the floor, and shall also be operated by means of a foot pedal.

316.8.6 Miscellaneous: A shelf, disposal unit, or the lower edge of a mirror shall not be more than forty (40) inches above the floor. A towel

and/or sanitary napkin dispenser (paper level) or electric lift shall not be more than forty-eight (48) inches above the floor.

316.9 Assembly seating accommodations: Places of assembly with fixed seating arrangements shall provide viewing positions for persons in wheelchairs in accordance with the following Table 316.9.

Table 316.9
PLACES OF ASSEMBLY, ACCESSIBLE VIEWING POSITIONS

Capacity of assembly space	Number of viewing positions
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

316.9.1 Location: Viewing positions for wheelchair persons shall be provided in a reasonable and convenient section or sections of the facility by providing clear space devoid of any fixed seating arrangements. These positions shall be located so as not to interfere with egress from any row of seats, shall be reached by means of ramps and/or elevators, and shall not infringe upon aisle requirements.

316.9.2 Access: There shall not be steps in the aisles or in the access route used by the physically handicapped to reach the performance viewing positions, but the aisles may be inclined according to the provisions of Section 615.0.

316.10 Checkout lanes: Buildings which include checkout lanes shall provide at least one (1) checkout lane, on each floor where such lanes are used, which is not less than thirty-six (36) inches wide.

316.11 Turnstiles: Buildings which utilize turnstiles to control traffic shall provide a clearly marked alternate route for the physically handicapped which is at least thirty-six (36) inches wide.

SECTION 317.0 SPECIAL HISTORIC BUILDINGS AND DISTRICTS

317.1 Approval: The provisions of this code relating to the construction, repair, alteration, enlargement, restoration and moving of buildings or structures shall not be mandatory for existing buildings or structures

86

1976 EDITION

33-A

TABLE NO. 33-A—AVAILABLE SQUARE FEET PER OCCUPANT AND EGRESS FACILITIES

USE ¹	MINIMUM OF TWO EXITS OTHER THAN ELEVATORS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS OVER	SQUARE FEET PER OCCUPANT	EGRESS BY MEANS OF A RAMP OR AN ELEVATOR MUST BE PROVIDED FOR THE PHYSICALLY HANDICAPPED AS INDICATED ²
1. Aircraft Hangars (No Repair)	10	500	Yes
2. Auction Rooms	30	7	Yes
3. Assembly Areas, Concentrated Use (without fixed seats) Auditoriums Bowling Alleys (Assembly areas) Churches and Chapels Dance Floors Lodge Rooms Reviewing Stands Stadiums	50	7	Yes ^{3, 4}
4. Assembly Areas, Less-concentrated Use Conference Rooms Dining Rooms Drinking Establishments Exhibit Rooms Gymnasiums Lounges Skating Rinks Stages	50	15	Yes ³
5. Children's Homes and Homes for the Aged	5	80	Yes ⁵
6. Classrooms	50	20	Yes
7. Dormitories	10	50	Yes ²
8. Dwellings	10	300	No
9. Garage, Parking	30	200	Yes ⁶
10. Hospitals and Sanitariums-Nursing Homes	5	80	Yes
11. Hotels and Apartments	10	200	Yes when more than 3 stories
12. Kitchen - Commercial	30	200	No
13. Library Reading Room	50	50	Yes ³
14. Locker Rooms	30	50	Yes
15. Mechanical Equipment Room	30	300	No
16. Nurseries for Children (Day-care)	8	50	Yes

(Continued)

TABLE NO. 33-A—AVAILABLE SQUARE FEET PER OCCUPANT
AND EGRESS FACILITIES (Continued)

USE ¹	MINIMUM OF TWO EXITS OTHER THAN ELEVATORS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS OVER	SQUARE FEET PER OCCUPANT	EGRESS BY MEANS OF A RAMP OR AN ELEVATOR MUST BE PROVIDED FOR THE PHYSICALLY HANDICAPPED AS INDICATED ²
17. Offices	30	100	Yes ³
18. School Shops and Vocational Rooms	50	50	Yes
19. Stores—Retail Sales Rooms			
Basement	7	20	Yes
Ground Floor	50	30	Yes
Upper Floors	10	50	Yes
20. Warehouses	30	300	Yes ³
21. All Others	50	100	

¹Refer to Sections 3318 and 3319 for other specific requirements.

²Elevators shall not be construed as providing a required exit.

³Access to secondary areas on balconies or mezzanines may be by stairs only.

⁴Reviewing stands, grandstands and bleachers need not comply.

⁵Access to floors other than that closest to grade may be by stairs only.

⁶Access to floors other than that closest to grade and to garages used in connection with apartment houses may be by stairs only.

⁷See Section 3302 for basement exit requirements.

Statement of Diana Coberly
Concerning Architectural Accessibility

I would like to thank Senator Crofoot and the Members of this committee for the opportunity to testify and express my support of House Bill 2269.

The "man-made" architectural barriers which exist in our environment are unquestionably great obstacles to handicapped individuals obtaining independence in their lives.

As a member of the Kansas Committee on the Employment of the Handicapped, a Kansas delegate to the White House Conference on Handicapped Individuals held last May and as one of the organizers of the newly formed Western Kansas Association on Concerns of the Disabled I have traveled and visited extensively with the citizens of Western Kansas. I might add that I had polio as a child and have lived in Western Kansas most of my life.

It has been alarming and disheartening to discover that in the area encompassing the five planning regions of Western Kansas (nearly one-half the state) there are only a handful of totally accessible facilities. Several meetings of handicapped individuals have been held over the past year in various towns in Western Kansas and it has been virtually impossible to find a totally accessible meeting site. These barriers coupled with the lack of accessible dining and shopping facilities have been and continue to be an abridgement of the full social, psychological and economic needs as well as the inherent civil rights of the handicapped individual.

If only a very small segment of the Western Kansas population experienced mobility and functional problems, these man-made barriers would constitute a disgrace but there are over 24,000 disabled persons in those previously mentioned five planning regions. This figure does not take into account those persons hampered by temporary disabling conditions (i.e. pregnancy, fractures, convalescence from an operation).

As closely as I have worked with the needs of handicapped individuals in Western Kansas I was surprised at the 24,000+ figure. The reason for this is quite apparent - the existing architectural barriers greatly limit the handicapped individual's mobility in all facets of daily living. They therefore are not highly visible!

Let me remind you that there are thousands of handicapped persons who, once the man-made barriers are eliminated, can live partially or totally independent lives and become productive citizens in our society. This is an inherent right which should be a reality for those who seek it,

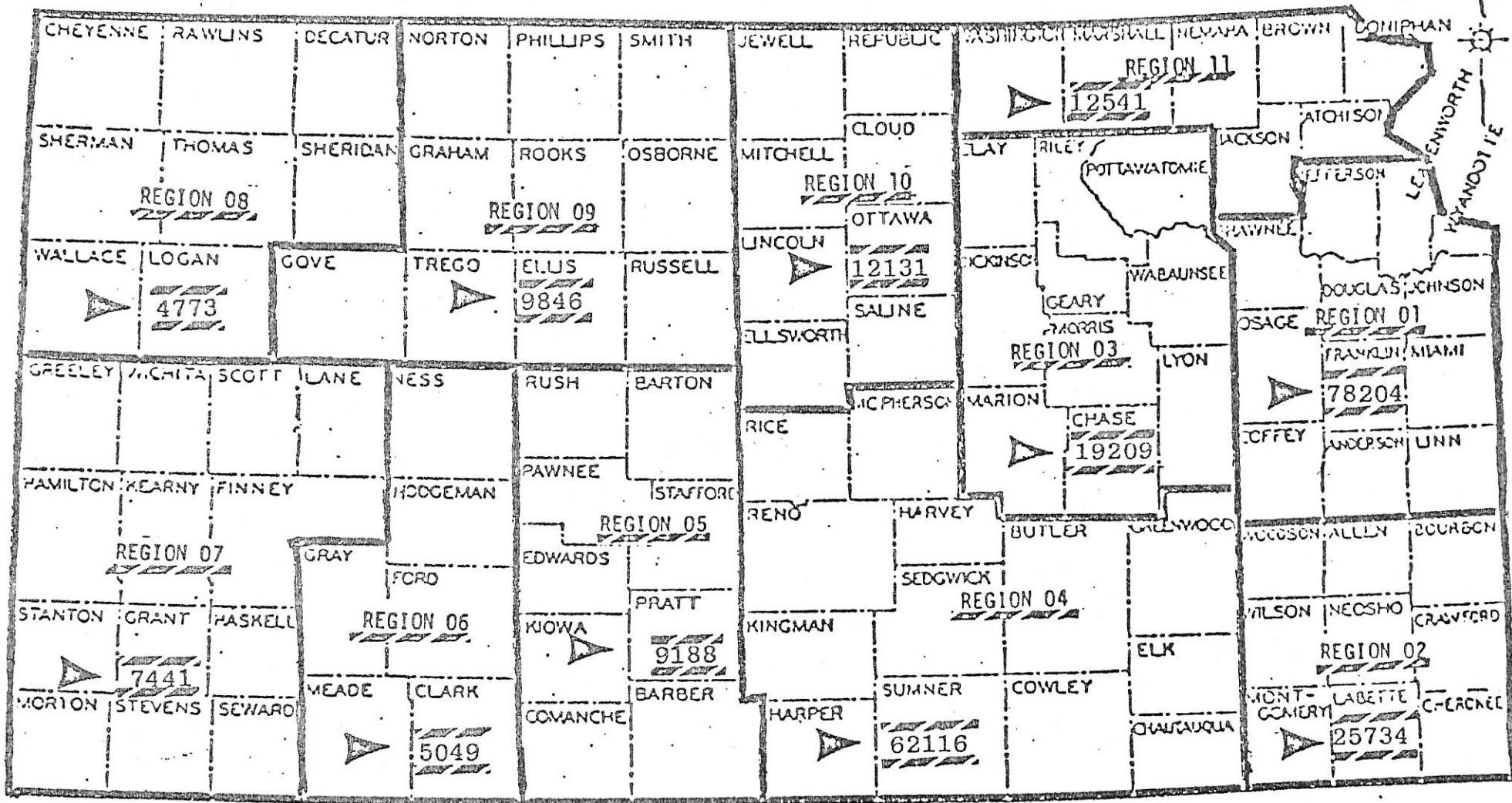
HANDICAPPED CENSUS, BY TYPE, BY AREA (WESTERN KANSAS, 1975)

Region	Visual	Deaf	Orthopedic	Other Physical	Disabled Aged
05	357	226	919	1105	3972
06	217	141	548	687	2209
07	382	248	986	1221	2549
08	213	140	550	598	2146
09	371	243	961	1190	4581

Total Physically Handicapped Population
Effectuated by Architectural Barriers - 24,005

TOTAL HANDICAPPED, BY REGION

(Including Physical, Mental, Speech and Learning)



PLANNING REGIONS OF KANSAS

Attachment XII

PROGRAM AUDIT SUMMARY

MANAGEMENT OF SURPLUS
STATE-HELD LAND

The audit Management of Surplus State-held Land was authorized by and conducted for the Legislative Post Audit Committee during July - December 1975. The audit addressed concerns about the adequacy of the State's land inventory system, the effective use of surplus State land, and the impact of surplus State land on the taxes of local governments.

Findings

The audit process included the collection and analysis of much data from the forty State agencies that own or lease land totaling 331,521 acres. Interviews and intensive discussions were held with personnel in many of these agencies. The audit led to several conclusions, applicable to the situation as it existed in January 1976.

- Neither of the two agencies having statutory responsibilities for establishing and maintaining an inventory of State land (the Division of Accounts and Reports and the Secretary of State) had an accurate and complete inventory.
- The lack of an adequate inventory could hamper efforts to identify surplus land when land is needed for new State programs or purposes.
- The State had approximately 11,179 acres of surplus land - land for which the agency holding it had no current or apparent future use.
- The major portion of the State's surplus land (67 percent) was leased with the State receiving a rate of return approximately equal to the average for all agricultural properties in the State.
- The State, particularly the Forestry, Fish, and Game Commission, was paying taxes on land used exclusively for State purposes - an apparent violation of K.S.A. 1976 Supp. 79-201a and 79-210.
- Generally, the impact of State land on the tax revenues of local governments was negligible in relation to total tax revenues.

Atch. XII

- The statutes concerning payments in lieu of taxes to local governments were unclear as to whether authority had actually been granted to make such payments.

Recommendations

These findings led to the following audit recommendations:

State Inventory System

1. K.S.A. 75-416 should be amended to require all State agencies to file the original records of all real estate transactions (except land acquired through condemnation by the Kansas Department of Transportation) with the Secretary of State. The Secretary of State should request that each agency provide an up-to-date record of all land owned by the agency including any easements and rights-of-way granted over this land.
2. K.S.A. 48-319, which requires the Adjutant General to keep the original records of all real estate transactions affecting that agency, should be amended to require the filing of a copy of those records with the Secretary of State.
3. The Division of Accounts and Reports should improve its inventory records of State-owned land by modifying its current inventory reporting requirements to include for each parcel, at a minimum, the number of acres owned, a brief legal description and the location by city or county.

Status. Recommendations 1 and 2 were incorporated into Senate Bill 42 which was referred to the Senate Committee on Federal and State Affairs. The Legislative Coordinating Council directed that the Special Committee on Federal and State Affairs review these recommendations between Legislative Sessions. Recommendation 3 was adopted by the Division of Accounts and Reports which modified its inventory policies and procedures as a result.

Management of Potentially Surplus Land

4. The Department of Administration, through the Division of the Budget, should establish general policies and procedures for identifying potentially surplus State land.
5. The Department of Administration, through the annual budget process, should require each land-holding agency to report on its land holdings and to justify its continued retention of that land. In addition, the Budget Division should present

recommended alternatives for the use and/or disposition of potentially surplus land to the Governor and the Legislature.

Status. In response to Recommendations 4 and 5, the Division of the Budget now conducts an annual review of the current and proposed use of all State land. This is done as part of the annual budget process.

Taxes Paid on State-held Land

6. The Department of Administration should ensure through its pre-audit function that, as required by statute, State agencies pay taxes only on land not used exclusively for State purposes.
7. The Department of Revenue should be empowered to adopt rules and regulations defining what constitutes exclusive use by State agencies and when those State agencies should pay property taxes.
8. Legislation should be enacted establishing criteria, applicable on a statewide basis, for payments in lieu of taxes on State lands or the Department of Administration should be statutorily empowered to establish such criteria.

Status. In response to Recommendations 6 and 7, the Department of Administration has apparently clarified what constitutes exclusive use of land by the State. As a result, the Forestry, Fish and Game Commission has been asked to recover some \$30,000 in taxes paid out in FY 1975. And, any action on Recommendation 8 is unknown.

SENATE BILL NO. 42

Short Title: Real Estate Transactions of State Agencies

The program audit "Management of Surplus State-held Land" recommended that K.S.A. 75-416 be amended to require all State agencies (except the Kansas Department of Transportation) to file the original records of all real estate transactions with the Secretary of State. The report also recommended that the Secretary of State request an up-to-date record of all land owned by the agencies of the State; and, in addition, that records of real estate transactions kept by the Adjutant General be filed with the Secretary of State.

At present the Secretary of State's records of State-held land are incomplete and inaccurate and cannot be regarded as a current inventory. Senate Bill No. 42 would amend K.S.A. 75-415 and 75-416 to assign custody of all deeds, abstracts of title, title insurance policies, and all other original instruments relating to land transactions to the Secretary of State. The bill would also require the Secretary of State to keep a correct record of real property owned by the State. Additionally, within sixty days of the effective date of the act, all State agencies would be required to submit a real estate inventory report to the Secretary of State, detailing, by parcel, the acreage, the location, a brief legal description, and the purposes for which it is held.

At the present time the original instruments transferring armory properties to the Kansas Military Board are filed only with the Adjutant General's Department. Senate Bill No. 42 would amend K.S.A. 48-319 to require that copies of such instruments be filed with the Secretary of State.

Senate Bill No. 42 would also amend K.S.A. 75-3729, dealing with State agency inventory requirements. The Director of Accounts and Reports would be required to implement a real property inventory system that would include the acreage, the location, and a brief legal description of each parcel of State-held land. Again, an exception is made for the Kansas Department of Transportation.

The Honorable Edward F. Reilly, Jr., Chairperson
Committee on Federal and State Affairs
Senate Chamber
Third Floor, Statehouse

Dear Senator Reilly:

SUBJECT: Fiscal Note for Senate Bill No. 42 by
Committee on Legislative Post Audit

In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 42 is respectfully submitted to your committee.

This bill provides that the Secretary of State shall have legal custody of all deeds to real estate now held by state agencies for and in the name of the State of Kansas. Deeds, abstracts of title, title insurance, and all other original instruments relating thereto are to be placed under the custody of the Secretary of State. The establishment and maintenance of a record reflecting every real estate transaction engaged into by any state agency is required.

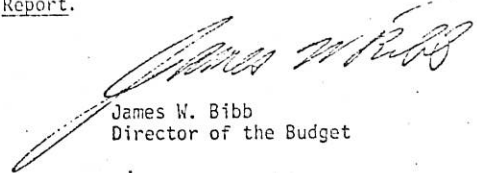
Within 60 days from the effective date of this bill (July 1, 1977), each state agency must submit a report to the Secretary of State reflecting the acreage and location by city or county of such real estate, a brief description of the right, title, or interest held therein and to which such real estate is subject, if any, and the purposes for which said real estate is held. The bill does exempt the Department of Transportation.

The bill also requires in Section 4 that the Director of Accounts and Reports design, devise and direct the use of inventory records for all state agencies to show the acreage, location by city or county, and a brief legal description of each lot, tract, or parcel of land held by each state agency.

The Secretary of State estimates that an expenditure during FY 1978 totaling \$26,404 would be necessary if this bill passes as introduced (\$12,024 for two employees for nine months; \$2,380 to purchase filing equipment to accommodate the required filings by all state agencies; and \$12,000 representing the cost to computerize these real estate transaction records). Furthermore, additional space for filing of the additional records would have to be provided as well as space for the two nine-month employees needed.

The Director of Accounts and Reports estimates total expenditures for FY 1978 of \$26,812 (\$11,812 for system design costs, \$1,200 for key entering revisions to the system; and \$13,800 for one Central Accountant I position who would be involved in the submission of property inventory data to reporting agencies for review and update, verification of reported data, and overall maintenance and control of the data file).

The total fiscal effect as indicated above would be \$53,216 for FY 1978 (\$26,404 for the Secretary of State and \$26,812 for the Division of Accounts and Reports). This total amount would have to be financed from the State General Fund and would be in addition to the amounts contained in the 1978 Governor's Budget Report.

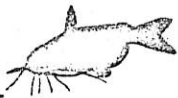

James W. Bibb
Director of the Budget

JWB:EAC:mad

Atch. XIV

STATE OF KANSAS

Forestry, Fish and Game Commission



Box 1028
PRATT, KANSAS 67124
(316) 672-5911

Attachment XV

July 22, 1977

Ref: 111.1

J. Russell Mills, Jr.
Legislative Research Department
Room 545-N
Statehouse
Topeka, Kansas 66612

Dear Mr. Mills:

Thank you for the invitation to testify before the Special Committee on Federal and State Affairs regarding Proposal 28 and the proposed real estate inventory system. I do not believe we can offer much in the form of testimony which will assist in deciding on the relative merits on such a system and do not plan to appear before the committee.

We have no objection to such an inventory system involving acreage, location, perhaps legal description, and principal use. If, on the other hand, the inventory is to include information on soils, land use capability classes, habitat types, and individual agricultural leases, we believe this to be unnecessary paper work.

With specific regard to the Legislative Post Audit Report on "Management of Surplus State-Held Land", we do not concur with the data presented in Table IV-1 and the narrative included in the last paragraph on page B-8.

The 1,818-acre tract in Clark County known as Big Basin and St. Jacobs Well is not considered to be surplus in the eyes of the Commission or the agency staff. We believe the area should be retained in state ownership to preserve this unique geological area along with its native vegetation for the people of Kansas.

Long-range considerations, after the area has been rested from severe overgrazing which occurred prior to state ownership, call for development of a buffalo herd with adequate fencing, scenic overlooks, and limited access trails with minimal developments for low intensity recreational use. The possibility of developing a more elaborate roadside rest area along US-160/283 in conjunction with Kansas Department of Transportation exists but has not been vigorously pursued.

J. Russell Mills, Jr.
July 22, 1977
Page 2

The 560 acres located in several tracts in Barber, Edwards, Gove and Stevens counties probably should be considered as surplus. These lands were acquired from the Bureau of Land Management in 1969 at the cost of approximately \$2.50 per acre. They are removed from public roads, unmarked and unfenced. In most cases they provide little in the way of value to the Kansas sportsmen.

If they are to be removed from state ownership the logical process to follow, after approval is obtained from the legislature, is to sell the lands back to the Bureau of Land Management and, as needed, credit the proceeds back to the U.S. Fish and Wildlife Service for the amount of the original Federal Aid (Pittman-Robertson Funds) participation. There may be alternative approaches but this would be the easiest.

Thank you for the opportunity to comment regarding the real estate inventory system and disposal of surplus lands.

Sincerely,

Jerry M. Conley, Director
Kansas Fish and Game

JMC:LMQ:hfp

Atch. XV

League of Kansas Municipalities



112 WEST SEVENTH STREET

TOPEKA, KANSAS 66603

AREA 913 354-9565

Kansas Government Journal

Attachment XVI

July 11, 1977

J. Russell Mills, Jr.
Principal Analyst
Legislative Research Department
Room 545-N, Statehouse
Topeka, Kansas 66612

Dear Russ:

In response to your letter of June 30, please be advised that I will be out of the state during the hearing on July 28 and 29 on Proposal No. 27.

We have no convention-policy position on handicapped facilities. In League committee discussions of this matter in the past, the question of the "reasonableness" of the requirement is recurrent. There is general acceptance that any new building or facility should have appropriate facilities. There is fairly wide acceptance that facilities for the handicapped should accompany remodeling projects -- although there have been instances where minor city hall remodeling projects have become major projects with the addition of handicap facilities. There is little acceptance, given the volume of other public needs and limited funds, to requirements for new construction solely for the benefit of the handicapped, e.g., a city which hasn't had the money to replace broken curbs for the past 10 years is not too enthused about new curb ramps.

Sincerely,

E. A. Mosher
Executive Director

EAM:jf

XVI