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Board Member, Oregon Association of Higher Education and Disability

Feb. 18th, 2013

To Chair Tomei, Members of the Committee

Re: Testimony in support for HB 2674: Finance for Accessibility Upgrades to Public Buildings and Parks

I believe that it is essential that the state of Oregon begin to address the issue of access to our public buildings and parks. The idea is based on Oregon's 1% for the arts law, which requires state projects to spend 1% of the construction budget on art. If we can afford 1% for art, we should be able to afford 1% for to provide access for individuals with disabilities.

Why is this an urgent need? The 2008 U.S. Census Report states that almost 55 million individuals in the U.S. have a disability, which is 19% of the total population. According to those statistics 1 in 5 Americans live with a disability. Additionally, the U.S. Census Bureau estimates that the number of Americans over the age of 65 is over 40 million. In 2011 & 2012 Oregon State University performed an accessibility assessment of the entire exterior of campus. The consultants found thousands barriers to people with disabilities. In 2004, the City of Bend entered into a settlement agreement with the Department of Justice to address hundreds of accessibility barriers. In 2006, Bend again entered into a settlement agreement related to accessibility issues related to their public transportation system.

It's been over 20 years since the Americans with Disabilities Act was passed, if our state agencies (including Colleges and Universities) continue to wait to make improvements it's going to take another 100 years before we begin to have true accessibility.

What are the consequences if we don't pass HB 2674? Public entities are required to provide program access by federal law. In 2010 the Department of Justice entered into a settlement agreement with McNeese State University which requires them to "bring all newly constructed facilities into compliance with the ADA Standards for Accessible Design and develop and implement a campus wide Physical Access Plan to bring all covered facilities into compliance with the terms of this agreement and Title II of the ADA. The Physical Access Plan will include specific remedial actions and time tables to ensure that the university's programs, services and activities afford program access by no later than Sept. 1, 2016." This settlement has required McNeese State to make improvements costing the University millions of dollars. According to this news article, they've already spent over \$7 million:
<http://www.kplctv.com/story/19478484/mcneese-and-ada-regulations>.

Hypothetically, a construction project, or combination of construction projects would need to have a total combined budget of **\$700 billion** dollars in order for the law to require the \$7 million that McNeese has **already spent**. HB 2674 is a way for Oregon to be proactive and achieve accessibility without having the Department of Justice intervene.

