



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

AGENDA

Standing Committee on Facility Access Meeting

Location: Kamamalu Building
1010 Richards Street, Conference Room 118
Date: January 17, 2019
Time: 10:00 a.m.

- I. Call to Order
- II. Introductions
- III. Approval of Meeting Minutes of November 15, 2018
- IV. Old Business
 - A. Document Reviews and Implementation of Fee Schedule – Update
 - B. Update on Facility Access Unit (FAU) Training, New FAU Database, and New Facility Access Specialist Position
- V. New Business
 - A. Discussion regarding document review process as it pertains to referenced standards within the Americans with Disabilities Act Accessibility Guidelines (ADAAG), Fair Housing Amendments Act Accessibility Guidelines (FHAAAG) and other adopted standards and interpretations
 - B. Update on letters sent to state and county agencies regarding the Disability and Communication Access Board's commitment to support them on upcoming projects which are only in the planning stages
 - C. Discussion regarding Ivana Kirola v. City and County of San Francisco
- VI. Open Forum
- VII. Next Meeting: March 21, 2019
- VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Cindy Omura at (808) 586-8121 or dcab@doh.hawaii.gov as soon as possible, preferably by January 14, 2019. If a response is received after January 14, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternative formats such as large print, Braille, or electronic copy.



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MINUTES

Standing Committee on Facility Access Meeting

Location: Kamamalu Building
1010 Richards Street, Conference Room 118

Date: January 17, 2019

Time: 10:00 a.m. – 10:30 a.m.

PRESENT: Marie Kimmey, Chairperson; Ron Awa, Bill Bow, Board Members; Duane Buote, Rodney Kanno, Staff

ABSENT: Scott Fleming, Board Member

- I. Chairperson Marie Kimmey called the meeting to order at 10:06 a.m.
- II. Staff and Board members introduced themselves.
- III. Members approved the meeting minutes of November 15, 2018 (M/S/P Bow/Awa).

IV. Old Business

A. Document Reviews and Implementation of Fee Schedule – Update

Duane Buote reported to the Committee that the Facility Access Unit (FAU) reviewed 235 projects from October 1 to December 31, 2018 of which 105 were new submittals. The FAU collected \$209,042 in fees during that same period of time.

B. Update on Facility Access Unit (FAU) Training, New FAU Database, and New Facility Access Specialist Position

Duane Buote informed the Committee that the FAU conducted the second unit of the new basic training series on January 8, and January 16, 2019 and has set dates for the third unit in March. The launch of the new facility access database is expected to occur in the beginning of March. The announcement for the new Facility Access Specialist position has been posted with a deadline for resumes set for February 15, 2019 and the office modifications for the new workstation are expected to take place in the next few weeks.

V. New Business

- A. Discussion regarding document review process as it pertains to referenced standards within the Americans with Disabilities Act Accessibility Guidelines (ADAAG), Fair Housing Amendments Act Accessibility Guidelines (FHAAAG) and other adopted standards and interpretations

Duane Buote explained that the accessibility standards that are used for the document reviews done by the FAU staff often reference standards from other documents provided by organizations such as the American Society of Mechanical Engineers (ASME) and National Fire Protection Association (NFPA). The referenced standards often include technical requirements that do not pertain to accessibility. In addition, the FAU staff does not have the expertise to provide the appropriate guidance for those areas. It was determined that the best action for the FAU staff would be to ask consultants to confirm that their design conforms to the referenced standard.

Ron Awa noted that the issue many consultants struggle with is trying to determine what accessibility standards are applicable to each project. Ron Awa suggested that DCAB create some type of guide to help consultants determine what the applicable accessibility standards are for their projects. Duane Buote explained that there are some situations where the answer is dependent on choices made by the designer. The FAU will look into the issue to determine if some type of guide can be developed.

B. Update on letters sent to state and county agencies regarding the Disability and Communication Access Board's commitment to support them on upcoming projects which are only in the planning stages

Duane Buote explained that one of the planning objectives for the FAU Plan of Action is to mail out letters offering support to discuss or review any preliminary plans or designs for accessibility issues when DCAB is aware of large projects that are in planning and conceptual design stages. He also informed the Committee that letters were sent out for the following projects: Ala Moana Regional Park Playground, Board of Water Supply Beretania Complex Redevelopment, Homeless Lift Zones, Draft Environmental Impact Statement (EIS) for the Waikiki War Memorial Complex and Ala Wai Pedestrian Bridge.

C. Discussion regarding Ivana Kirola v. City and County of San Francisco

Staff and Committee members discussed the Ninth Circuit Court case, Kirola v. City and County of San Francisco and the inconsistencies in the application of guidelines that are not yet adopted by the Department of Justice (DOJ). Duane Buote explained that the ruling appears to disregard any guidelines that have not yet been adopted by the DOJ, even though they have been developed and finalized by the U.S. Access Board. Duane Buote gave an example of how this logic does not make sense when looking at unique features where the DOJ still requires the feature to be accessible in the absence of a standard that it has formally adopted. If a pool was designed in 2005, one would be required to install a ramp into the pool since that would have been the only way to access the pool using the 1991 ADAAG. The provisions that allow pool lifts as an accessible entry were not adopted by the DOJ until the 2010 Standards, despite the Access Board having amended ADAAG in 2004. In addition, if we could not use any new guidelines of the Access Board, it could make relying on our Interpretive Opinions and Hawaii Outdoor Developed Areas Accessibility Guidelines problematic. At this point,

however, we have adopted those guidelines through a process of equivalent facilitation providing equal or greater access.

VI. Open Forum

There were no items raised.

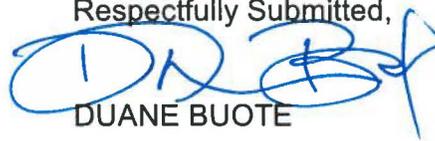
VII. Next Meeting

March 21, 2019 at 9:30 a.m. – 10:30 a.m.

VIII. The meeting adjourned at 10:44 a.m.

Note: All votes were unanimous unless otherwise noted.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'DUANE BUOTE', is written over the printed name. The signature is stylized and somewhat illegible.

DUANE BUOTE