



DISABILITY AND COMMUNICATION ACCESS BOARD

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

AGENDA

Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom

Date: January 21, 2021

Time: 11:00 a.m. to 1:00 p.m.

To join by PC or mobile device, click on the link below or copy and paste it into your browser window: <https://zoom.us/j/95385985563> and enter Meeting ID: 953 8598 5563

To join by phone, dial 1 669 900 6833 and enter Meeting ID 953 8598 5563

To join by Relay Conference Captioning, click on the link below:

<https://www.captionedtext.com/client/event.aspx?EventID=4686306&CustomerID=928>

Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act, a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB Office in advance of the meeting.

- I. Call to Order
- II. Roll Call
- III. Introductions
- IV. Approval of Meeting Minutes of November 19, 2020
- V. Executive Director's Report
 - Budget
 - Personnel
- VI. Committee Reports
 - A. Executive Committee (No Report)
 - B. Legislative Committee
 - Approval of Meeting Minutes of December 15, 2020

- Approval of Legislative Position Statement for 2021 Legislature
- C. Standing Committee on Communication Access (No Report)
- D. Standing Committee on Facility Access
- Document Reviews and Database – Update
 - Other Facility Activities from the Plan of Action
- E. Standing Committee on Parking
- Parking Program Issuance and Statistics – Update
 - Public Education Quality Assurance and Outreach Efforts – Update
 - Implementation of Act 87 (2019) and Hawaii Administrative Rules Title 11, Chapter 219, “Parking for Persons with Disabilities” - Update
 - Other Parking Activities from the Plan of Action
- F. Special Parent Information Network
- Update of Activities from the Plan of Action
- VII. Old Business
- A. ADA Coordination Update
- B. Time Limit Rule on Public Participation – Adoption by Individual Committees
- VIII. New Business
- A. Proposed Rule on Public Participation During DCAB Meetings
- Members of the public may present comment or testimony during Board meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Board deliberates on the item. After all public comment or testimony is presented, the Board shall deliberate on the agenda item without further comment or testimony from the public, unless further public comment or testimony is requested by the Board.
- B. Hawaii Department of Transportation – Proposed Changes to Hawaii Administrative Rules 19-122 – “Rules Relating to the Examination of Applicants for Issuance and Renewal of Motor Vehicle Driver’s Licenses and Permits” [Allow the Medical Advisory Board to Cancel Its Monthly Meeting if Less than Ten Cases to Review] (refer to staff summary)
- C. Hawaii Department of Transportation – Proposed Changes to Hawaii Administrative Rules 19-149 – “State Civil Identification” [Allow Homebound Applicants to Apply or Renew Remotely for State Civil Identification Cards] (refer to staff summary)
- D. U.S. Department of Transportation, National Highway Traffic Safety Administration, Supplemental Notice of Proposed Rulemaking, 49 CFR Part 595 “Make Inoperative Exemptions, Vehicle Modifications to Accommodate People with Disabilities” [Establish an Exemption for Operable Rearview Cameras on Light Vehicles Due to Mobility Lifts] (refer to staff summary)

IX. Open Forum

X. Announcement of Next Meeting: March 18, 2021

XI. Adjournment

Board packets are available for inspection in the DCAB office, and by mail or by email upon request.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Cindy Omura at (808) 586-8121 or dcab@doh.hawaii.gov as soon as possible, preferably by January 15, 2021. If a response is received after January 15, 2021, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Video Remote Interpreting and Relay Conference Captioning will be provided.

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



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MINUTES

Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom

Date: January 21, 2021

Time: 11:00 a.m. to 1:00 p.m.

PRESENT: Pauline Aughe, Chairperson; Anthony Akamine, Ron Awa, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, Violet Horvath, Gerald Isobe, Nikki Kepo'o, Marie Kimmey, Summer Kozai, Phyllis Meighen, Michael Nojima, Gerald Ohta, Justin Tokioka, Amy Tsuji-Jones, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Sue Radcliffe, Colin Whited, Duane Buote, Susan Rocco, Kamaile Hopfe, Cindy Omura, Staff

GUESTS: Andrea Armitage, Deputy Attorney General, Department of the Attorney General; Peter Fritz; Robin Wurtzel, Chief Counsel, Hawaii Civil Rights Commission

SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

The time limit rule was read by Chairperson Pauline Aughe.

Kirby Shaw clarified that the impetus for the time limit rule was his idea and not that of the Chairperson Pauline Aughe. He persuaded the Chairperson that placing the rule at the beginning of the agenda was sufficient to satisfy the Sunshine Law requirements. However, after consulting with the Office of Information Practices (OIP), he learned that his information was incorrect and that the Board needed to formally adopt a time limit rule.

- I. Chairperson Pauline Aughe called the meeting to order at 11:06 a.m.
- II. Roll was called and Board members, staff, and guests introduced themselves.
- III. The minutes of November 19, 2020 meeting were approved as circulated (M/S/P Horvath/Kimmey).
- IV. Executive Director's Report

Kirby Shaw reported that there is a twenty percent reduction in the Governor's Executive Budget. This reduction will greatly impact DCAB's parking program. To mitigate this, the parking program has procured the new placard called the Disabled Paid Parking Exemption Permit. The parking program purchased placards to last the program two years, so operations will not be disrupted by the reduction. All units

will purchase supplies ahead of time to mitigate expenses for the next fiscal year. This reduction will not affect staff or their employment status.

Board member Violet Horvath asked if the twenty percent reduction covers the entire year or only the first quarter, and if there could be more shortfalls as the year progresses. Kristine Pagano responded that the twenty percent reduction is for two fiscal years and is not allocated by quarters. Kirby Shaw stated that it is unclear if there will be more shortfalls as the Legislature has the final say on the numbers. Furloughs are scheduled for July 1, 2021, but this could change with the new presidential administration.

Board member Amy Tsuji-Jones asked for clarification on the twenty percent reduction and if the reduction is for both fiscal years, or each fiscal year. Kirby Shaw stated that the reduction will be for each fiscal year.

Kirby Shaw stated that Rene Clymer, DCAB Office Assistant, retired on December 31, 2020 and that Kristine Pagano and Cindy Omura will help cover the job duties of the Office Assistant position. A request to fill the Office Assistant position has been submitted.

V. Committee Reports

A. Executive Committee

The Committee did not meet, and no report was given.

B. Legislative Committee

The minutes of December 15, 2020 meeting were approved as circulated (M/S/P Horvath/Georgiev).

Committee Chairperson Rosanna Daniel-Kanetake stated that the Committee met on December 15, 2020 to discuss the proposed legislative position statements for the 2021 Legislature. The positions are generally the same, except for two new bills; DCAB's bill to fund the parking program, and the bill to amend the Sunshine Law to make permanent the option for Boards and Commissions to hold virtual meetings. The Committee voted to accept the position statements and to recommend their adoption by the full Board with the understanding that the Legislative Committee will meet to discuss any new measures that arise during the legislative session. The Legislative Position Statements for 2021 Legislature were approved as circulated (M/S/P Meighen/Akamine).

C. Standing Committee on Communication Access

The Committee did not meet, and no report was given.

D. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed three hundred and seven projects from October 1 to December 31, 2020 of which one hundred and twenty-one were new submittals. The FAU collected \$170,402 in fees during that same period.

The FAU is finalizing dates for the virtual 2021 Disability Access Conference. The U.S. Access Board will provide speakers for the virtual presentations. The conference will be held on a Thursday and a Friday morning in June 2021 to accommodate the time zones for the out of state speakers. The conference will consist of two one hour and a half presentations on each day.

The FAU worked with the AIA Honolulu to present the virtual Fiscal Year 2020-2021 Basic ADAAG Training Series. The virtual basic training sessions were held on November 12, November 17, December 3, and December 10, 2020 with approximately fifty to sixty attendees per session.

Interpretive Opinion DCAB 2020-02 that allows elevators to be located in shared structures was passed by the Committee. This means if you have two buildings, both buildings can share an elevator if they follow the requirements. One of the requirements is accessible routes connecting to the elevator must have a similar route characteristic as compared to the routes connecting to stairs.

She announced the next Committee meeting is scheduled for March 11, 2021 at 10:30 a.m.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported the Committee met on Tuesday, January 12, 2021. Governor Ige has suspended the expiration dates on all parking placards, and this will remain in place until February 14, 2021. For the second quarter of this fiscal year, there were 4,719 placards and 235 special license plates issued. Of the placards, 1,196 were temporary and 3,523 were long term. Of the long term placards, 1,401 were renewals issued by DCAB. The renewal rate was seventy three percent.

A survey of permittees regarding their experiences in finding and using accessible parking spaces was launched in December 2020 and staff is still collecting submissions. The parking program has received over 1,800 responses.

Draft Hawaii Administrative Rules, Title 11, Chapter 219, "Parking for Persons with Disabilities" has been submitted to the Governor for approval to schedule public hearings.

A crosscheck with vital records was performed and about 5,500 records of deceased permittees were flagged. Letters were sent to the estates of the deceased permittees to retrieve the persons' placard. Of the letters sent, 737 were returned as undeliverable, 286 families responded they discarded or could not find the placard, and about 1,900 placards were returned.

Staff has started the procurement process for the Disabled Paid Parking Exemption Permit and is finalizing the new multi-use application form. Staff had a meeting with county police and state parking enforcement representatives to discuss the new placard and other program issues.

The Motor Vehicle Registration \$1.00 bill proposal, a bill that would fund the parking program, will be introduced in the upcoming legislative session. A \$1.00 fee will be added to all motor vehicle registrations and the money will be deposited into DCAB's special fund. This fund will become the sole funding source for the parking program, which currently relies on an annual appropriation from the state general fund.

F. Special Parent Information Network

Board member Phyllis Meighen reported that the Special Parent Information Network (SPIN) has established monthly parent partner meetings with the Department of Education (DOE). The purpose of the meeting is to provide two-way communication on how to best meet the needs of students with disabilities and to involve the community in the planning and implementing of programs and trainings initiatives.

The Special Education Advisory Council (SEAC) weighed in on the DOE's biennial budget. SPIN has been working with SEAC to draft testimony urging DOE to prioritize services to the students most vulnerable to academic failure. This includes students with disabilities and should be done by maintaining the pay differential for special education teachers and sparing the program money for special education from significant budget cuts.

She also announced that the Footsteps to Transition Fair that was scheduled in October 2020 was canceled. The Committee hopes to reschedule the Fair in the Fall of 2021.

VI. Old Business

A. ADA Coordination Update

Colin Whited reported that technical assistance was provided to eighty-three callers on issues related to the Americans with Disabilities Act (ADA). Calls came from different departments/agencies which included the Office of the Governor, Office of Energy, Judiciary, State Senate, Library for the Blind, Department of Commerce and Consumer Affairs, Department of Health, Department of Human Services, Department of Public Safety, Department of Transportation, University of Hawaii, and all four counties.

DCAB partnered with the Equal Employment Opportunity Commission to provide training on Title I of the ADA regarding Communication Access on January 14, 2021.

DCAB hosted five webinars related to the ADA; three of those webinars were sponsored by the National ADA Network and included “The Top ADA Cases of 2020,” “Everybody Is Somebody, Anybody, and Nobody,” and “Morphic Computers Are Easier to Use.” Two of the webinars were sponsored by the U.S. Access Board on “Chapter 10 on Recreational Facilities” and “Interior and Exterior Accessible Routes.”

B. Time Limit Rule on Public Participation – Adoption by Individual Committees

Kirby Shaw reported that there was an inquiry as to whether the time limit rule on public participation applies to DCAB General Meetings or individual committee meetings. He was informed by OIP that the time limit rule can apply to individual DCAB committees, or each committee can adopt a rule separately. He suggested that each committee should make the choice to adopt the rule or not as some committees have more public input than others.

Guest Peter Fritz asked if the rule stated that public testimony and comments would be accepted by the Board before deliberating on an agenda item and asked why public testimony would not be accepted after the Board’s deliberations. He also asked why the Board did not discuss the matter of accepting public input after deliberations in DCAB’s previous meetings.

Kirby Shaw responded that the rule is based on former opinions by OIP and they confirmed that while public participation is allowed, it does not mean the public has the right to participate in the Board’s deliberations. Once the public has had the opportunity to provide input, the Board deliberations can begin. If there is an amendment or a motion that the Board would like to take, that is part of the Board deliberation and is not for public input at that moment. OIP also stated that a member of the public does not have the right to question Board members or Board staff members in their testimony or comments. If they do, the Board or staff can choose to respond or not.

Kirby Shaw also responded that this is a proposed rule on participation during DCAB meetings. While this topic was discussed before, DCAB staff needed to do additional research which led to the time limit rule. The time limit rule provides an opportunity for the Board to deliberate while receiving valuable public input. This is a good method of allowing the public to provide input so the Board can hear what the public has to say and can take that into consideration during their deliberations without interruptions.

Guest Deputy Attorney Andrea Armitage added that the Board does not need a specific rule that says that the public may not comment during deliberations as this is already included in the Sunshine Law. The Sunshine Law allows for public testimony at a certain time and a certain point and then the board can deliberate.

The proposed rule was approved as written (M/S/P Kimmey/Daniel-Kanetake, No: Aughe).

VII. New Business

A. Proposed Rule on Public Participation During DCAB Meetings

The proposed rule on public participation during DCAB meetings was discussed under Old Business.

B. Hawaii Department of Transportation – Proposed Changes to Hawaii Administrative Rules 19-122 – “Rules Relating to the Examination of Applicants for Issuance and Renewal of Motor Vehicle Driver’s Licenses and Permits”

Bryan Mick reviewed the staff summary regarding the Hawaii Department of Transportation’s (HDOT) proposed amendments to its administrative rules on the Medical Advisory Board. If the county examiner for driver’s licenses believes that the applicant has a disability that impairs them to safely operate a vehicle, they require the applicant to submit a medical report form. The applicant can obtain a temporary license with restrictions while they wait for a decision. The examiner can also ask the Medical Advisory Board to review the case and provide recommendations. The Medical Advisory Board includes at least five members who are all in the medical field. Currently, the Board meets monthly, but there is a policy in place that allows them to skip a monthly meeting if they have ten or fewer cases to review. HDOT wants that policy in their administrative rules. Staff recommends that DCAB oppose this policy because it is important that the Medical Advisory Board meet monthly as each applicant has the right for a timely review.

Guest Peter Fritz asked if this proposed rule violates the ADA. Bryan Mick responded that it does not violate the ADA.

Board member Gerald Ohta asked if they are subject only to the ADA or if there were some other U.S. Department of Transportation (U.S. DOT) rule that would give them different guidance. Bryan Mick responded that there is nothing at the federal level that would apply.

Board member Violet Horvath and Chairperson Pauline Aughe asked for clarification as to what the rule means.

A motion was made for DCAB to submit a letter in opposition to this rule (M/S/P Horvath/Ohta).

C. Hawaii Department of Transportation – Proposed Changes to Hawaii Administrative Rules 19-149 – “State Civil Identification”

Bryan Mick reviewed the staff summary by HDOT which allows an alternative option for an applicant with a disability to apply for state civil identification cards if they have difficulty applying in person. This would authorize a county examiner to make arrangements for the submission of documents to occur out of the office when an applicant has a physical or intellectual disability for whom application in person would present a serious burden or, when the

individual presents a letter from a licensed primary care provider stating the individual has a disability which requires them to be homebound. DCAB recommends submitting comments in support of this amendment to the rules.

Guest Peter Fritz asked if this rule conflicts with the federal Real ID law and what the standard would be for the letter from the physician. Bryan Mick responded that the ADA only required issuing agencies to make accommodations on a case-by-case basis. The ADA also requires that HDOT comply with the Real ID law.

Board member Anthony Akamine asked if this rule would apply to replacement identification cards (ID) as well. Bryan Mick said he would need to check to make sure the rule would include applying for replacement ID cards.

Chairperson Pauline Aughe asked how HDOT would check for identity fraud. Board member Marie Kimmey responded saying if a person has been in the system, the HDOT would have the resources to obtain the proper proof they need to verify identities. Bryan Mick responded fingerprinting is still part of the process which would minimize fraud.

Board member Violet Horvath asked if DCAB would be assisting HDOT in answering consumer calls about this new rule change. Bryan Mick responded DCAB staff will most likely advise the four counties on how to handle reasonable accommodation requests for individuals who are unable to apply in person. Kirby Shaw mentioned that this would create uniformity among the counties so the information will be consistent. Board member Violet Horvath asked if this could be included in the DCAB comments.

Chairperson Pauline Aughe asked how the counties would determine the validity of an individual claiming to be homebound. Bryan Mick responded by saying that applicants would have to provide the letter from their physician.

Motion for DCAB to support the concept of the proposed administrative rule change, but will need clarification on how counties would determine if a person is homebound (M/S/P Kimmey/Horvath; No: Aughe, Ohta; Abstain: Kepo'o, Meighen).

- D. U.S. Department of Transportation, National Highway Traffic Safety Administration, Supplemental Notice of Proposed Rulemaking, 49 CFR Part 595 "Make Inoperative Exemptions, Vehicle Modifications to Accommodate People with Disabilities"

Bryan Mick reviewed the U.S. DOT Supplemental Notice of Proposed Rulemaking. This is a proposed regulation that would provide an exemption on an installation of a lift for the purpose of transporting a personal mobility device that may block a rearview camera, making it inoperable. As of 2018, all vehicles are required to have a system that will display an image of the area directly behind a vehicle. The intent is to reduce the number of back

over crashes. A motion was made for DCAB to support this exemption (M/S/P Aughe/Horvath; Abstain: Akamine).

VIII. Open Forum

Board member Violet Horvath expressed concerns that accessibility issues are not being properly addressed due to COVID-19 and suggests that DCAB conduct a brief survey to persons with disabilities to find out how COVID-19 is affecting them.

Colin Whited announced the passing of Patty Sakal, an American Sign Language interpreter who worked closely with DCAB.

Board member Nikki Kepo'o announced that she noticed some issues within the Department of Education system; noting that there is resistance with schools not accepting children with other disabilities.

IX. Chairperson Pauline Aughe announced that the next DCAB General meeting is scheduled for March 18, 2021 beginning at 11:00 a.m.

X. The meeting adjourned at 1:06 p.m.

Respectfully submitted,



CINDY Y. OMURA

SPIN Report January 2021

January 2021 SPIN Newsletter

SPIN just distributed our latest e-newsletter with seven infographics developed from individual workshops held at SPIN's October 17th virtual conference. Their purpose is to simplify and amplify the messaging, and also hopefully motivate folks to view the entire presentation by following the link to the website. Also included in the newsletter is a two-page infographic developed in partnership with the State Council on Developmental Disabilities on the available COVID-19 vaccines. To view the newsletter, go to our SPIN website [newsletter page](#).

Monthly Parent Partner Meetings with the Department of Education

Annie Kalama, the Director of the Exceptional Support Branch of the Department of Education initiated monthly meetings this school year with agencies serving parents of children with disabilities including SPIN, the Leadership in Disabilities and Achievement of Hawaii, the Community Children's Councils and the State Council on Developmental Disabilities. The purpose of the meetings is to provide two-way communication on how best to meet the needs of students with disabilities and to involve the community in planning and implementing programs and training initiatives.

SEAC Weighs in on the Department of Education's Biennium Budget

For the past several months, SPIN has helped draft SEAC testimony for a number of Board of Education meetings to urge the Department to prioritize services to the students most vulnerable to academic failure--students with disabilities--by maintaining the pay differential for special education teachers and sparing EDN 150, the program monies for special education, from significant budget cuts. At the Board's Finance and Infrastructure meeting this morning, SEAC is commenting on the Department's priorities for spending roughly \$184 million in ESSER II funds recently allocated by Congress. Click this [link](#) to SEAC testimonies to the Board of Education and the State Legislature.

Footsteps to Transition Fair Targeted for Fall, 2021

The October 24th Footsteps to Transition Fair for middle and high school youth with disabilities and their families had to be postponed abruptly when the primary presenter and conference facilitator became ill. After several months of inactivity, the Core Planning Committee for the Fair is meeting again and proposing to hold the Fair in the Fall of 2021. Amanda Kaahanui represents SPIN in helping to reorganize this popular event.



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DISABILITY AND COMMUNICATION ACCESS BOARD General Meeting January 21, 2021

ADA Coordination Report

Since the last meeting on November 19, 2020, ADA activities of all DCAB staff included:

1. Provided technical assistance (TA) to eighty-three (83) callers on issues related to the ADA. Key departments/agencies included: Office of the Governor, Office of Energy, Judiciary, Hawaii State Senate, Library for the Blind, Commerce and Consumer Affairs (DCCA), Health (DOH), Human Services (DHS), Public Safety (PSD), Transportation (DOT), University of Hawaii (UH), County of Hawaii, City and County of Honolulu, County of Kauai (2x), and the County of Maui.
2. Partnered with the U.S. Equal Employment Opportunity Commission to provide ADA Title I and Communication Access training on January 14, 2021.
3. Hosted five (5) webinars related to ADA issues:
 - Three (3) webinars sponsored by the National ADA Network on:
 - “Top ADA Cases of 2020”
 - “Everybody, Somebody, Anybody, and Nobody: Colorado’s Development of a Statewide Access and Functional Needs Program”
 - “Morphic – Making Computers Easier to Use”
 - Two (2) webinars sponsored by the U.S. Access Board on:
 - “Chapter 10: Recreation Facilities”
 - “Interior and Exterior Accessible Routes”
4. Maintained current information on the ADA Coordinators secured website and DCAB’s website by ensuring current lists of State and County ADA Coordinators were available.

Any questions regarding ADA Coordination activities should be directed to Colin Whited at (808) 586-8121 or colin.whited@doh.hawaii.gov.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 21, 2021

TOPIC: Hawaii Department of Transportation, Proposed Changes to Hawaii Administrative Rules 19-122 – “Rules Relating to the Examination of Applicants for Issuance and Renewal of Motor Vehicle Driver’s Licenses and Permits” [Allow the Medical Advisory Board to Cancel Its Monthly Meeting if Less than Ten Cases to Review]

SUMMARY:

The Hawaii Department of Transportation (HDOT) is proposing an amendment to the above referenced rules. When the county examiner of drivers has reason to believe an applicant for a driver’s license has a mental or physical condition that may impair the applicant’s ability to safely operate a motor vehicle, the examiner may require the applicant to submit a Medical Report form. Pending the submission, the examiner has the option to issue a temporary license with restrictions, or to suspend an existing license. Once the report is received, the examiner may issue a final decision or refer the report to the Medical Advisory Board (MAB) for review. The MAB will provide advice to the examiner of drivers, who makes the final licensing decision. The MAB is composed of not less than five physicians representing various medical fields. The MAB currently meets monthly, but has a standing policy that allows it to cancel its monthly meeting if it has less than ten cases to review. The Hawaii Department of Transportation (HDOT) is proposing to make that policy an administrative rule along with a rule clarifying that the board’s quorum contains of not less than three members. Written comments are due by February 10, 2021. In 2019, only one meeting was cancelled due to less than ten cases for review. In 2020, the MAB opted to meet virtually even though it had less than ten cases submitted for review.

ANALYSIS:

The examiner of drivers is not required to have training in the medical or health care fields. The public and an applicant have valid interests in qualified medical professionals reviewing the medical report, and the applicant has a right to a timely review. A timely review and decision is extremely important when the examiner has suspended an applicant’s existing driver’s license. Canceling monthly meetings may delay the issuance and/or renewal of a license by weeks or months.

STAFF RECOMMENDATION:

Staff recommends that DCAB submit comments to the HDOT opposing the proposed rule that would allow MAB to cancel its monthly meetings if it has less than ten cases to review, and urges the MAB to meet monthly to provide timely resolution on all cases.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 21, 2021

TOPIC: Hawaii Department of Transportation, Proposed Changes to Hawaii
Administrative Rules 19-149 – “State Civil Identification” [Allow Homebound
Applicants to Apply or Renew Remotely for State Civil Identification Cards]

SUMMARY:

The Hawaii Department of Transportation (HDOT) is proposing an amendment to the above referenced rules. The current rules do not provide an alternative option for an applicant with a disability to apply in person to obtain a State Civil Identification card, or renew a driver’s license. The proposed rule would allow the examiner of drivers to make arrangements for the submission of documents, photographs, and fingerprinting to occur out-of-office when the applicant has a physical or intellectual disability for whom application in person presents a serious burden or when an individual submits a letter from a licensed primary care provider certifying that a severe disability causes the individual to be homebound. The proposed rule would amend the current language for renewals of State Civil Identification cards by deleting the authority of a caregiver to take fingerprints and photographs for an application for a disabled person and giving the examiner of driver’s authority to determine whether a disability qualifies as a serious burden. It would expand the method of remote submission to include options other than by mail.

ANALYSIS:

This is an important issue for people with disabilities, as many struggle to apply or renew an identification card in person. These identification cards are often necessary for ordering certain types of medication remotely or to travel off island. Although the counties have made temporary accommodations on a case by case basis, it would be advisable to authorizing the alternate procedures in the administrative rules would provide a consistent policy for the Counties to follow.

STAFF RECOMMENDATION:

Staff recommends that DCAB submit comments to the HDOT supporting the proposed amendments to the rules that authorize remote applications and renewals for residents who are homebound due to a disability.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 21, 2021

TOPIC: U.S. Department of Transportation, National Highway Traffic Safety Administration, Supplemental Notice of Proposed Rulemaking, 49 CFR Part 595 Make Inoperative Exemptions; Vehicle Modifications to Accommodate People with Disabilities [Establish an Exemption for Operable Rearview Cameras on Light Vehicles Due to Mobility Lifts]

SUMMARY:

The U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA) is proposing to amend the above referenced regulation to establish an exemption for when the installation of a lift for the purposes of transporting a personal mobility device (PMD) blocks the rearview camera, effectively making it inoperable. As of May 1, 2018, all light vehicles are required to be equipped with a system that provides the driver with an image of the area directly behind the vehicle. The goal is to reduce the incidents of back over crashes with pedestrians, particularly children and other high-risk persons. This is accomplished by the use of a backup camera system. Normally, a vehicle manufacturer or auto body shop is prohibited by regulation from making any modifications to a vehicle that would cause the camera to be inoperable. Comments are due by January 27, 2021.

ANALYSIS:

The NHTSA is attempting to balance safety versus accessibility. The NHTSA notes that the percentage of vehicles equipped with a rear PMD lift is small, and therefore any increase in accidents due to this exemption would be minimal.

STAFF RECOMMENDATION:

Staff recommends that DCAB submit comments to NHTSA to acknowledge the conflict with PMD lifts and rear facing cameras, and encourage NHSTA to work with the automotive industry to develop cost efficient technical solutions to allow for the installation of PMD lifts while also mitigating safety concerns relating to back over crashes.