



## **DISABILITY AND COMMUNICATION ACCESS BOARD**

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

### **NOTICE OF MEETING**

#### **Disability and Communication Access Board**

#### **General Board Meeting**

May 19, 2022

11:00 a.m. – 1:00 p.m.

### **AGENDA**

The Disability and Communication Access Board will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

#### **Public In-Person Meeting Location**

Kamamalu Building  
1010 Richards Street, Room 118  
Honolulu, HI 96813

#### **Participate Virtually via Zoom**

Click on the link below or copy and paste it into your browser window:  
<https://zoom.us/j/97348078681> and enter Meeting ID: 973 4807 8681

#### **To join by phone**

Dial 1 669 900 6833 and enter Meeting ID: 973 4807 8681

#### **Public Testimony**

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. This rule shall be placed at the beginning of all Board meeting agendas.

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.

**Written Testimony** -To ensure the public as well as its board members receive such testimony in a timely manner, written testimony should be submitted 24 hours prior to the scheduled meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

- By email to: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov)
- By U.S. Postal Mail:  
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street,  
Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

### **AGENDA**

- I. Call to Order  
Review Remote Meeting Procedures
- II. Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of General Board Meeting Minutes of March 17, 2022
- V. Executive Director's Report
  - Budget  
Review of House Bill 1600 HD1 SD1 CD1, Relating to the State Budget
  - Personnel  
Update on Planner and ADA Coordinator and Communication Access Specialist Positions
- VI. Committee Reports
  - A. Legislative Committee  
Staff report of legislative activities
  - B. Standing Committee on Communication Access  
Staff report of two communication access workshops for sign language interpreters held on March 26, 2022, and April 30, 2022
  - C. Standing Committee on Facility Access  
Review of Standing Committee on Facility Access meeting on May 2, 2022
  - D. Standing Committee on Parking  
Review of Standing Committee on Parking meeting on May 12, 2022

- E. Special Parent Information Network  
Report of Special Parent Information Network activities.

## VII. Old Business

- A. ADA Coordination – Update  
Staff report on numbers of ADA technical assistance.
- B. Federal Communications Commission (FCC) Public Notice, DA 22-160, Consumer and Governmental Affairs Bureau Seeks Comment on the Accessibility of Communications Technologies for the 2022 Biennial Report Required by the Twenty-First Century Communications and Video Accessibility Act – Update

DCAB; in conjunction with the Department of Business, Economic Development and Tourism; and the Department of Health, Office of Planning, Policy, and Program Development; submitted comments to the FCC obtained from an online public survey of individuals with disabilities and a follow-up virtual community forum held on March 26, 2022.

## VIII. New Business

- A. U.S. Department of Transportation – Notice of Proposed Rulemaking: Part 2 – To Require Airlines to Ensure That at Least One Lavatory on New Single-Aisle Aircraft with 125 or More Passenger Seats is Large Enough to Permit a Passenger with a Disability (with the Help of an Assistant if Necessary), to Approach, Enter, and Maneuver Within the Aircraft Lavatory, as Necessary, to Use All Lavatory Facilities by Means of the Aircrafts On-board Wheelchair - Staff Summary
- B. Appointment of Members to the Nominating Committee - Officers for FY 2022-2023
- C. Appointment of Committee Chairpersons for FY 2022-2023
- D. Board Meeting Schedule for FY 2022-2023

- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.

- X. Next Meeting

- IX. Adjournment

If you require an auxiliary aid or service for disability or other accommodation to participate in the meeting, please contact Cindy Omura at (808) 586-8121 or email, [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov). Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats.

The agenda and meeting materials for this meeting are also made available for inspection at the DCAB's office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on the DCAB website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.



# DISABILITY AND COMMUNICATION ACCESS BOARD

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## MINUTES

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### Disability and Communication Access Board General Meeting

Location: Virtual Location Via Zoom and 1010 Richards Street, Room 118

Date: May 19, 2022

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

**PRESENT:** Nikki Kepo'o, Chairperson; Anthony Akamine, Pauline Aughe, Ron Awa, Dean Georgiev, Violet Horvath, Gerald Isobe, Marie Kimmey, Summer Kozai, Michael Nojima, Gerald Ohta, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Susan Rocco, Duane Buote, Bryan Mick, Sue Radcliffe, Scott Castor, Cindy Omura, Staff

**ABSENT:** Rosanna Daniel-Kanetake, Scott Fleming, Phyllis Meighen, Justin Tokioka, Amy Tsuji-Jones, Board Members

**GUESTS:** Peter Fritz; Donald Sakamoto, Citizens for a Fair ADA Ride; Annette Tashiro, Statewide Independent Living Council of Hawaii

#### SIGN LANGUAGE

**INTERPRETERS:** Mala Arkin and Carie Sarver

#### REAL TIME

**CAPTIONER:** April Chandler

- I. Chairperson Nikki Kepo'o called the meeting to order at 11:09 a.m. She provided information about testimony or comments presented by members of the public during Board meetings.
- II. Roll was called and Board members, staff, and guests introduced themselves.
- III. Chairperson Nikki Kepo'o said there were no written testimonies submitted. Guest Peter Fritz requested DCAB to update its policy manual on language requesting an accommodation on public meeting notices and on the number of days in advance for requesting the accommodation. The agency conducting the public meeting should try and make the accommodation up to the time of the meeting. Updated language should include a dial in phone number, if connecting virtually to a meeting, as some individuals may not have access to technology. Board member Charlotte Townsend said DCAB needs to re-educate agencies on the updated policy on posting of meeting notices with appropriate language, and to reassess the policy manual.

Chairperson Nikki Kepoo asked staff to revisit the policy, create a prioritization, and provide a timeline, and provide an update to the Board at the next meeting.

- IV. The March 17, 2022 General meeting minutes were approved as circulated (M/S/P Kimmey/Ohta).

V. Executive Director's Report

Kirby Shaw asked Kristine Pagano to provide an update on House Bill 1600, HD1, SD1, CD1, Relating to the State Budget. She said the Communication Access Specialist position was restored with funding and that the twenty percent reduction in operating expenses imposed during the COVID-19 pandemic was not restored. The bill was forwarded to the Governor's Office for approval.

Kristine Pagano stated that the Planner and ADA Coordinator is still vacant. DCAB placed an ad in the Star Advertiser on May 15, 2022 and again on May 22, 2022 for continuous recruitment.

VI. Committee Reports

A. Legislative Committee

Bryan Mick reported that the Committee adopted position statements and took positions on one hundred nine bills and submitted eighty one testimonies during this legislative session. He provided an update on three bills impacting DCAB: House Bill 1575, HD2, SD2 Relating to Physician Assistants which authorizes a physician assistant to certify an applicant's disability for a disability parking permit; Senate Bill 2144, Relating to Electronic Information Technology Accessibility for Persons with Disabilities which would establish technology disability access standards for state agencies; and Senate Bill 3121, SD2, HD1, CD1 Relating to Funding for Parking for Disabled Persons which establishes the DCAB parking program special fund and increases the state annual motor vehicle registration fee by \$1.00. All three bills have been forwarded to the Governor's Office.

B. Standing Committee on Communication Access

Kristine Pagano reported on two communication access workshops for sign language interpreters. On March 26, 2022, Hand Ninjas coordinated with Winkshop and provided an ASL Fingerspelling workshop, from 9:00 a.m. to 12:00 p.m. On April 30, 2022, Hawaii Registry of Interpreters for the Deaf coordinated with Joel Willis, Movement Specialist and Educator/ASL Interpreter, and provided a Posture and the Interpreters Cognitive/Functional Process workshop from 9:00 a.m. to 12:00 p.m. with thirteen participants.

Committee Chairperson Gerald Isobe informed the Board that the next Committee meeting is scheduled for May 27, 2022 beginning at 11:00 a.m.

C. Standing Committee on Facility Access

Committee Chairperson Marie Kimmey reported that the Facility Access Unit (FAU) reviewed one hundred twelve projects from April 1, 2022 to May 2,

2022 of which fifty seven were new submittals. The FAU collected \$103,845 in fees during that same period.

She reported that the Committee approved Interpretive Opinion DCAB 2022-01 Street Parking at Bike Lanes which addresses the design of accessible parallel parking spaces located adjacent to bike lanes.

She reported that tentative dates and times have been scheduled for the 2022 Disability Access Conference, June 28 and June 29, 2022 from 8:30 a.m. to 12:00 p.m. Purposed topics are the 504 Deeming Notice, ADA Residential Housing, Accessible Transient Lodging, and Accessible Medical Care Facilities.

She also reported that the Committee reviewed and approved the proposed Facility Access section of the Plan of Action for Fiscal Year 2022-2023 with no changes from fiscal year 2021-2022.

D. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on Thursday, May 12, 2022.

She reported that during the third quarter of this fiscal year, approximately five thousand two hundred placards were issued and two hundred eighteen special license plates were reauthorized or issued. Of the placards, one thousand six hundred were temporary, three thousand six hundred were long term, and forty six were Disabled Paid Parking Exemption Permits. Of the long term placards, approximately one thousand one hundred were issued by DCAB. The renewal rate was fifty eight percent.

She reported that two inquiries were submitted through the webpage to report abuse of a disability parking permit and two hundred ninety nine emails were sent to remind permittees of their pending placard expiration.

Staff sent letters to the estates of deceased placard holders; forty six percent of the placards were returned, five percent of the estates informed DCAB that the placard was lost or destroyed, and ten percent of the letters were returned as undeliverable. Staff will conduct a new crosscheck with the Department of Health's Vital Records, and letters will be mailed in July 2022.

She reported that staff has started the procurement process for long term and temporary placards, and year and month decals.

E. Special Parent Information Network

Susan Rocco reported that SPIN staff made five presentations to schools and community organizations on "Nurturing Family School Partnerships," "Family School Partnerships," "Age of Majority/Transition Planning," "Various Special Education Topics," and "What Does SPIN Do?".

She reported that the Monitoring and Compliance Branch of the Hawaii Department of Education recently asked the National Center for Systemic

Improvement (NCSI) for technical assistance in reviewing Hawaii's procedural safeguards related to conflict resolution for parents of students with disabilities. To assist in this endeavor SPIN helped to publicize a due process stakeholder parent survey developed by NCSI to gather stakeholder data and produced infographics on mediation and written state complaints in the March SPIN News to educate families on these conflict resolution options. In addition, SPIN staff prepared a report for discussion at the May 13, 2022 SEAC meeting regarding due process activity in school year 2020-2021. This report is part of an annual review of due process procedural safeguards under the Individuals with Disabilities Education Act.

She also reported that the SPIN Advisory Committee is meeting every two weeks to plan for the upcoming conference "It's a Marathon, Not a Sprint," planned for October 22, 2022. Currently the venue for the conference is in question. SPIN and its conference co-sponsors are consequently looking for back-up locations for the conference that can accommodate up to five hundred participants, including high schools in Honolulu District and community colleges on Oahu.

## VII. Old Business

### A. ADA Coordination – Update

Kristine Pagano reported that staff responded to sixteen ADA technical assistance requests.

### B. Federal Communications Commission (FCC) Public Notice, DA 22-160, Consumer and Governmental Affairs Bureau Seeks Comment on the Accessibility of Communications Technologies for the 2022 Biennial Report Required by the Twenty-First Century Communications and Video Accessibility Act – Update

Kristine Pagano reported that DCAB in conjunction with the Department of Business, Economic Development and Tourism (DBEDT), DOH's Office of Planning, Policy, and Program Development (DOH- OPPPD) submitted comments for the 2022 Biennial Report to Congress. Thirty six individuals with disabilities participated in the survey over a period of three days. The survey consisted of forty one questions. Of the respondents: seventy seven percent were from Oahu, eleven percent from the County of Kauai, six percent from the Maui, three percent from Molokai, and three percent from Lanai. Seventeen percent reported difficulty hearing, seventeen percent difficulty seeing even with prescription glasses, and nine percent difficulty with manual dexterity.

The FCC comments focused on three areas related to devices used for communication technologies such as VoIP, Video Telephone and Cell Phone, Assistive Technology or Assistive Devices, and Barriers with New Communication Technologies.

## VIII. New Business

- A. U.S. Department of Transportation – Notice of Proposed Rulemaking: Part 2 – To Require Airlines to Ensure That at Least One Lavatory on New Single-Aisle Aircraft with 125 or More Passenger Seats is Large Enough to Permit a Passenger with a Disability (with the Help of an Assistant if Necessary), to Approach, Enter, and Maneuver Within the Aircraft Lavatory, as Necessary, to Use All Lavatory Facilities by Means of the Aircrafts On-board Wheelchair

Bryan Mick reported that the U.S. Department of Transportation issued proposed rules that would require airlines to have at least one lavatory on new single aisle aircraft with 125 or more passenger seats. The lavatories would be required to allow a passenger with a disability using an on board wheelchair to approach, enter, and maneuver within the lavatory. While the proposed rule is a positive step forward for persons with mobility disabilities, the timeline for implementation would have one quarter of qualified aircraft with an accessible lavatory 25 years after the effective date of the rule, one half of qualified aircraft having an accessible lavatory after 30 years, and all qualified aircraft having an accessible lavatory after 45 years. Therefore, he recommended that the board submit comments in support of the proposed rule, but advocate strongly for a shorter timeframe for implementation. Board members expressed their agreement.

- B, Appointment of Members to the Nominating Committee - Officers for FY 2022-2023

Chairperson Nikki Kepo'o asked for volunteers to serve on the Nominating Committee to provide a slate of officers for fiscal year 2022-2023. The members of the Nominating Committee are Nikki Kepo'o, Pauline Aughe, and Gerald Ohta.

- C. Appointment of Committee Chairpersons for FY 2022-2023

Committee Chairpersons will remain the same for next fiscal year with the exception of the Standing Committee on Communication Access.

- D. Unfortunately Board Meeting Schedule for FY 2022-2023

The Board will continue to meet every other month on the third Thursday, from 11:00 a.m. to 1:00 p.m. Staff will provide Board members with a listing of the upcoming General meetings for fiscal year 2022-2023.

- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.

Vice-Chairperson Violet Horvath announced that the Pacific Disability Center, where she is the Director, in collaboration with Aloha Independent Living Hawaii and the Pacific Basin Telehealth Resource Center started a new coalition called Hawaii Disabilities and Health Care Coalition. The coalition is organizing educational events for consumers, doctors, nurses, social workers, etc., with a goal of making healthcare more accessible and the quality of the healthcare interactions with regard to the medical association better. The coalition members are very excited that they started this effort. She will let the Board know more over time.

Donald Sakamoto informed the Board about transportation issues on Oahu. He noted that the Honolulu Rate Commission indicated that it would start a pilot program for TheBus and TheHandi-Van passengers to allow them to use the HOLO Card for payment instead of cash or coupons. In addition, he noted that while the intent of the City is to maintain the \$2.00 fare for low income TheHandi-Van passengers, there is no legislation to implement the program. He added that the next Honolulu Rate Commission is scheduled for July 12, 2022, and informed the Board that concerned persons could attend in person or virtually.

Chairperson Nikki Kepo'o noted that Phyllis Meighen's term on the Board would expire in June 2022, and therefore she encouraged Board members and public participants to ask family and friends if they would be interested in filling the spot on the Special Parent Informations Network Advisory Committee.

X. Chairperson Nikki Kepo'o announced the next meetings are scheduled for July 21, 2022. The Annual Planning meeting begins at 9:00 a.m. followed at 11:00 a.m. by the General meeting.

IX. The meeting adjourned at 12:55 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/ KIRBY L. SHAW for

CINDY Y. OMURA



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING May 19, 2020

**TOPIC:** U.S. Department of Transportation – Notice of Proposed Rulemaking: Part 2 -To Require Airlines to Ensure That at Least One Lavatory on New Single-Aisle Aircraft with 125 or More Passenger Seats is Large Enough to Permit a Passenger with a Disability (with the Help of an Assistant if Necessary), to Approach, Enter, and Maneuver Within the Aircraft Lavatory, as Necessary, to Use All Lavatory Facilities and Leave by Means of the Aircrafts On-board Wheelchair

#### SUMMARY:

The U.S. Department of Transportation (DOT) issued Part 1 of the Notice of Proposed Rulemaking (NPRM) on January 6, 2020, which proposed various accessibility improvements for lavatories on single aisle aircraft and their on-board wheelchairs (OBW), but did not propose to expand the size of the lavatories. A final rule is expected to be issued shortly and will apply to new single aisle aircraft delivered three years after the final effective date of the rule. DOT is starting the process with Part 2 of the NPRM. Comments are due by May 27, 2022.

#### ANALYSIS:

Part 2 of the NPRM would require single aisle aircraft with 125 or more passenger seats to have a lavatory large enough to permit a qualified individual with a disability to approach the lavatory, enter, maneuver within as necessary to use all lavatory facilities, and leave by means of the aircraft's OBW. The lavatory would also be of sufficient size to permit an assistant to enter the lavatory along with the passenger to facilitate an assisted transfer between the OBW and the toilet. While the proposed rule does not explicitly state that the lavatory would need to be large enough to accommodate both individuals with the door closed, it does provide that the assisted transfer must take place within a closed space that affords persons using the OBW privacy equivalent to that afforded ambulatory users. The proposed rule would also require the lavatory to have certain accessible interior features. These features would be identical to those the DOT proposed in Part 1 of the NPRM.

Part 2 of the NPRM would apply to covered aircraft that are (1) ordered eighteen years after the effective date of the final rule; (2) delivered twenty years after the effective date of the final rule; or (3) of a new type-certificated design filed with the Federal Aviation Administration or a foreign carrier's aviation safety authority more than one year after the effective date of the final rule.

DOT specifically seeks comment on the costs, benefits, feasibility and compliance timeframes of this proposal.

STAFF RECOMMENDATION:

DCAB should support the proposed regulations but advocate for shorter compliance timelines. The current proposal is estimated to result in one quarter of all qualifying aircraft having accessible lavatories twenty five years after the effective date, one half of all qualifying aircraft having accessible lavatories after thirty years, and all aircraft after forty five years.