



DISABILITY AND COMMUNICATION ACCESS BOARD

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

MINUTES

Disability and Communication Access Board General Board Meeting

Location: Virtual and 1010 Richards Street, Room 118
Date: August 1, 2024
Time: 11:00 a.m. – 1:00 p.m.

PRESENT: Violet Horvath, Chairperson; Anthony Akamine, Ronald Awa, Rosanna Daniel-Kanetake, Nikki Kepo'o, Marie Kimmey, Summer Kozai, Gerald Ohta, LisaAnn Tom, Charlotte Townsend, Board Members; Kirby Shaw, Rodney Kanno, Kristine Pagano, Elizabeth Pearson, Sue Radcliffe, Susan Rocco, Justin "Pono" Tokioka, Staff

ABSENT: Scott Fleming, Gerald Isobe, Michael Nojima, Teri Spinola-Campbell, Board Members

PUBLIC PARTICIPANTS:

Peter Fritz; Kammi Koza; Tosa Lobendahn, Committee Clerk, Office of State Senator Joy San Buenaventura; Alberto Perez; Donald Sakamoto, President, for a Fair ADA Ride; Annette Tashiro, State Rehabilitation Council

SIGN LANGUAGE

INTERPRETERS: Darlene Baird and Jackie Gonzalez

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Chairperson Violet Horvath called the meeting to order at 11:07 a.m. She provided an overview of the procedures for public testimony or comments, and remote meeting procedures.
- II. Roll was called, and Board members, staff, and guests introduced themselves.
- III. Statement from Public and Written Testimonies Submitted

Kirby Shaw reported that the office did not receive any testimonies for this meeting.
- IV. Approval of General Board Meeting Minutes of June 6, 2024.

The Board made a correction to the draft minutes of the June 6, 2024 General meeting regarding clarification between the accommodation statement and the meeting agenda. The change reflects "notice/agenda" under agenda item VII. Old Business, A. ADA Coordination, 1. Review statistics of ADA technical assistance program. Update. The corrected minutes were approved (M/S/P Townsend/Kepo'o).

Testimony: Peter Fritz stated in the June 6, 2024 draft minutes, it was not the accommodation statement but the layout of the meeting agenda that needed to be changed.

Agenda item VII. Old Business, 1. B Nominating Committee was taken out of order.

B. Nominating Committee

1. Proposed slate of officers, Chairperson and Vice Chairperson.

Board member Gerald Ohta reported for the Nominating Committee, which included Teri Spinola-Campbell, Charlotte Townsend, and himself. Board member Gerald Ohta presented the proposed slate of officers: Violet Horvath as Chairperson and Charlotte Townend as Vice Chairperson. The Board approved the slate of officers for next fiscal year (M/S/P Kepo'o/Akamine).

V. Executive Director's Report

A. Update on Act 172, SLH 2022 - Hawaii Electronic Information Technology Accessibility Act – Working Group progress on developing the “Hawaii Electronic Information Technology Disability Access Standards”.

Kirby Shaw reported that emails were sent to prospective working group members to provide input on the draft disability access standards. He said that DCAB is consulting with the Office of Enterprise Technology Services on the accessibility standards and hopes to hold a meeting with the working group in the near future.

Testimony: Peter Fritz said the draft report supposedly should be finished by the end of the year. It's a report, not law, just guidance, and it would have to be adopted into rules.

B. Personnel

1. Facility Access Specialist II position filled.

Kirby Shaw reported that Jarrett Okutsu filled the Facility Access Specialist II position. He is an architect and is familiar with the DCAB review process.

2. DCAB Staffing Status.

Kirby Shaw reported that twenty (20) of the twenty one (21) staff positions are filled.

3. Submittal of request for new Program Specialist to provide technical assistance to state and county entities on making web content and mobile apps accessible to persons with disabilities pursuant to the recently amended U.S. Department of Justice ADA Title II regulations.

Kirby Shaw said a new Program Specialist position to provide technical assistance to state and county entities on their obligations to make web content and mobile apps accessible to persons with disabilities was requested.

C. Report on staff attendance at conferences and events.

1. 2024 National ADA Symposium – Minneapolis, June 9-12, 2024.
2. 57th Biennial National Association of the Deaf Conference – Chicago, July 1-6, 2024.

Kirby Shaw reported on the first two (2) agenda items: Eric Isidro attended the 2024 National ADA Symposium in Minneapolis and received information that he can apply to his job. Justin “Pono” Tokioka attended the 57th Biennial National Association of the Deaf Conference in Chicago and obtained information that he will be able to utilize in preparation for the communication access conference next year.

3. U.S. Access Board webinar: Foundation on Artificial Intelligence (AI) and Disability – July 9, 2024.

Kirby Shaw and several staff attended the U.S. Access Board’s webinar on artificial intelligence and disability. He said the webinar focused on websites, web content and apps using artificial intelligence (AI), and the ways that AI is used which results in discriminating against persons with various types of disabilities, that includes using data or information that does not reflect or include persons with disabilities. Applying producing generative AI, a type of machine learning that uses models without considering persons with disabilities to create new content, such as text, images, videos, and audio, will may skew the results.

Testimony: Peter Fritz questioned how artificial intelligence is being used. An AI program that’s written to watch eye movements as a determination of how honest someone is, or their veracity might misjudge someone who is blind. How is AI information going to be protected. There were several bills introduced in the federal government and perhaps, it can be monitored to see what type of similar bill can be offered in the state Legislature.

4. U.S. Department of Housing and Urban Development Region IX Disability and Housing workshop, “Disability-Forward Housing: “No Body Left Behind” – July 17, 2024.

Kirby Shaw participated as a panelist that presented to U.S. Department of Housing and Urban Development Region IX attorneys in recognition of Disability Pride Month. The workshop focused on housing and ensuring that persons with disabilities are included in a wide range of services while being housed. He shared DCAB’s advocacy at the Legislature requesting additional accessible housing units greater than the ADA and Fair Housing Act requirements.

5. National Association of Governor's Committees on People with Disabilities (NAGC) meeting on the U.S. Department of Justice presentation on the ADA Title II standards for websites and apps, July 26, 2024.

Kirby Shaw said staff attended a slide presentation that covered the requirements for the ADA Title II standards for websites and apps.

6. Maui County Office of Aging Abilities Resources Fair, September 14, 2024.

Kirby Shaw reported that staff will be participating at the upcoming Fair to share information on DCAB's programs (i.e., communication access, parking, facility access, ADA coordination, etc.).

VI. Committee Reports

A. Executive Committee

Chairperson Violet Horvath reported that the Committee has not met and there is no report.

B. Legislative Committee

Chairperson Violet Horvath reported that the Committee did not meet and there is no report.

C. Standing Committee on Communication Access

1. Report on [SB 3290 SD2 HD1 CD1](#) – Relating to American Sign Language. Requires the Disability and Communication Access Board to convene a working group to study the state of American Sign Language interpretation services in Hawaii ([Act 204, SLH 2024](#)).

Justin “Pono” Tokioka reported for Committee Chairperson Gerald Isobe. The first meeting of the working group on SB 3290 (Act 204) will be held on August 8, 2024. DCAB needs to submit a report to the Legislature on its findings by December 31, 2024. Hopefully the working group can obtain data on the numbers of sign language interpreters statewide, so sign language interpreting can be expanded in the State.

Board member Charlotte Townsend inquired if the names of members of the working group was available.

D. Standing Committee on Facility Access

1. Report on the Virtual 2024 Disability Access Conference held on June 20-21, 2024.

Committee Chairperson Marie Kimmey reported on the virtual 2024 Disability Access Conference. One hundred eighty seven (187) individuals registered with one hundred fifty nine (159) in attendance. The topics included: Pedestrian Facilities in the Public Right of Way; Accessible Parking Facilities, Dining & Retail; Accessible Assembly, Performance & Sport Areas; Common Accessibility Issues, Litigation & Resolutions. Based on conference evaluations – speakers were excellent, presentations were well organized, informative, and well-presented.

E. Standing Committee on Parking

1. Disability Parking Placard Issuance Statistics for Quarter 4 FY 2023-2024 – Update.

Committee Chairperson Summer Kozai reported the Committee met on July 10, 2024. She reported for quarter 4, around eight thousand (8,000) placards were issued, and three hundred forty (340) special license plates reauthorized or issued. Of the placards, about two thousand one hundred (2,100) were temporary, five thousand nine hundred (5,900) long term, and

fourteen (14) were Disabled Paid Parking Exemption Permits. Of the long-term placards, about two thousand four hundred (2,400) were renewals issued by DCAB. The renewal rate was sixty seven percent (67%).

2. Disability Parking Placard Issuance Statistics for FY 2023-2024 – Update.

For fiscal year 2023-2024, around thirty thousand eight hundred (30,800) placards were issued and one thousand five hundred (1,500) special license plates reauthorized or issued. Of the placards, about eight thousand three hundred (8,300) were temporary, twenty two thousand four hundred (22,400) long term, and one hundred (100) were Disabled Paid Parking Exemption Permits. Of the long term placards, about nine thousand three hundred (9,300) were renewals issued by DCAB. The renewal rate was sixty six percent (66%).

3. Report on the number of submissions via the webpage to report the misuse of disability parking permits and the webpage to report reserved parking spaces for persons with disabilities that do not comply with the ADA or State design requirements and the webpage to report misuse of a parking permit.

Committee Chairperson Summer Kozai reported in quarter 4, six (6) submissions were received via the DCAB webpage to report parking placard misuse, and DCAB sent two (2) letters to permittees in response.

Four (4) submissions were received via the webpage to report a non-design compliant parking space; one inquiry was sent to the Department of Land and Natural Resources and one to the Ala Moana Shopping Center about how staff may assist in putting DCAB's warning flyers on vehicles.

4. Update on crosscheck of DCAB Parking Database with the Office of Vital Records Deceased Residents Database.

Four thousand three hundred sixty five (4,365) letters were sent to estates of deceased placard holders for return of the placard; with a thirty six percent (36%) return rate.

5. Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.

Committee Chairperson Summer Kozai reported staff sent one thousand eight hundred eighty four (1,884) emails to permittees notifying them of a pending permit expiration.

6. Update on procurement of placards and decals.

Committee Chairperson Summer Kozai reported placards and decals were procured and delivered.

7. Summary of staff meetings with the Department of Law Enforcement, Department of Land and Natural Resources, and the Honolulu Police Department Volunteer Special Enforcement Officer (VSEO) program and request to meet with the Honolulu Police Chief.

Staff met with the Department of Law Enforcement, Department of Land and Natural Resources, and the Honolulu Police Department's Volunteer Special Enforcement Officer (VSEO) Program officer regarding how enforcement of accessible parking laws can be increased. Staff will be requesting a meeting with the Honolulu Police Chief on enforcement of accessible parking spaces.

8. Letter to the Retail Merchants Association and Chamber of Commerce requesting they forward to their members DCAB's letter requesting ADA Title III entities provide more accessible parking spaces than the legally required minimum number of spaces and install priority signage for vehicles with a side mounted lift/ramp. Draft press release about priority signs.

Committee Chairperson Summer Kozai reported staff will be asking the Retail Merchants Association and the Chamber of Commerce to distribute to their respective members, a letter that DCAB previously sent to large parking lot owners requesting an increase in the number of accessible parking spaces.

Testimony: Donald Sakamoto inquired about the number of placard holders requesting a replacement placard due to it being lost or stolen.

Testimony: Peter Fritz said if there was an incentive to provide additional parking, like a tax credit, DCAB may get a different response to provide more accessible parking spaces.

F. Standing Committee on Transportation

1. Driverless automated technology.
2. 911 calls for wheelchair users who are dropped curbside and need assistance to get from the curb to home.

Chairperson Violet Horvath reported the Committee met on July 10, 2024. The Committee discussed the pros and cons of driverless automated technology and discussed the concern the Honolulu Fire Department raised to the Department of Health regarding wheelchair users being dropped off at curbside by transportation providers and calling 911 for assistance getting from curbside into their homes. The Committee discussed what happened in the past, some drivers were able to escort people into their homes, but not so much now. The Committee is monitoring and trying to obtain more information on this situation.

G. Special Parent Information Network (SPIN)

1. The June issue of the SPIN News including SPIN Award winners and two new infographics.

Susan Rocco reported that the June newsletter issue includes a description of the six (6) individuals who received a SPIN award at the April 6, 2024 SPIN Conference for exceptional service to children with disabilities and their families—Margarita Abzun Hernandez and Jessica McCullum as Parents of the Year, Brikena White and Ravae Todd as Professionals of the Year, and Glenn Lagrimas and Will Carlson as Family Choice recipients. Also included in the issue are two (2) infographics meant to empower families by providing easy-to-understand information about strategies to support students with Individualized Education Programs (IEPs). "The Benefit of Social Stories" explains a strategy that helps students with autism prepare for and perform appropriately in social interactions. The second infographic explains three (3)

tools for understanding and addressing problem behavior—functional behavior assessments, behavior support plans and behavior intervention plans.

2. SPIN staff report to the Special Education Advisory Council (SEAC) on special education due process activity by parents of children eligible for services under the Individuals with Disabilities Education Act.

Susan Rocco reported one of the Special Education Advisory Council's (SEAC) responsibilities is to monitor the utilization of due process supports available to parents of students receiving special education services. These include mediation, state written complaints and due process hearing requests. SPIN staff reviews all data related to these activities from the previous school year and reports to members at the May SEAC meeting. Findings from a review of due process activities in school year (SY) 2022-2023 included: 1) a lack of timely resolution of due process hearing requests; 2) a chronic shortage of plaintiff attorneys; 3) an underutilization of mediation, and 4) a lack of publicly posted information of the content of written complaints.

3. Upcoming training events with special education teachers.

Susan Rocco said Amanda Kaahanui was invited to present at two (2) training events in July. The Department of Education (DOE) Central District sponsored the first event on July 11, 2024, a training for new special education teachers in public schools from Mililani to the North Shore. Her presentation focused on SPIN resources and nurturing parent-school partnerships. The following day, she presented two (2) ninety minute workshops—"Family Engagement and Transition" and "Engaging Families in the Individualized Education Program (IEP) Process"—at a SPEDucator Conference for the Kau-Keaau-Kohala Complex Area in Hilo. The SPEDucator Project is a joint effort of the University of Hawaii College of Education, Department of Special Education and the DOE to recognize and empower high-quality special education teachers across the state.

VII. Old Business

A. ADA Coordination

1. Review statistics of ADA technical assistance program. Update.

Kirby Shaw reported that he responded to twenty four (24) requests for technical assistance, e.g., service and emotional support animals. He noted that Elizabeth Pearson is pursuing with Kaiser Permanente their position on service animals. Health providers or physician assistants or other personnel are not permitted to write letters of support of a person's need for a service or emotional support animal. Staff is collaborating with other agencies to understand the basis for this policy.

Elizabeth Pearson provided information on a technical assistance response regarding access to restrooms at a community college library.

Board member Charlotte Townsend asked if we are discussing a policy issue with regards to the community college library restrooms and how it is being resolved. She also asked if Kaiser is refusing to provide doctors letters in

general for persons with disabilities who may need it as a reasonable accommodation in employment, and program access for emotional support and service animals. The law doesn't require the person with a disability to get a doctor's letter for those things, are we asking to go above and beyond the ADA. In housing situations, a housing provider can ask for some kind of evidence from a health care provider to speak on the need for an emotional support animal.

Testimony: Peter Fritz said he talked about the Fair Housing Act and the limits on what you can request of someone with an emotional support dog; and there are a lot of examples where agencies are going beyond what's required.

Donald Sakamoto said the State Capitol building has accessibility issues (e.g., doors, Braille, etc.).

Peter Fritz had concerns on Senate hearing notices and the full link not being spelled out. Upgrading of the sound system of the conference rooms to provide some sort of Bluetooth communication for persons who use hearing aids.

Kirby Shaw said staff is working on a draft letter regarding accessibility issues, e.g., accessible parking, conference room, placement of monitors, etc., at the State Capitol.

Elizabeth Pearson shared her background and work experience information, prior to becoming the DCAB Planner and ADA Coordinator.

2. Making State and counties web content and mobile apps accessible for persons with disabilities training sessions for ADA Coordinators. Update.

Kirby Shaw said staff is looking to hold twelve (12) training sessions for State and County ADA Coordinators and relevant employees to have good basic knowledge on the new ADA Title II regulations requiring state and local governments to make their web content and mobile apps accessible for persons with disabilities. A vendor will be hired to provide the training.

Testimony: Peter Fritz commented that who's responsible for making documents accessible may not be receiving the information. Unless you have a procedure, policy, and guideline in place each Department will be different on who has the responsibility of posting an accessible document.

Testimony: Donald Sakamoto commented that he has problems with the Honolulu Police Department's crime mapping.

B. Nominating Committee

1. Proposed slate of officers, Chairperson and Vice Chairperson.

Agenda item taken out of order and discussed above.

C. Report from the Permitted Interaction Group (PIG) to study the accessibility of the new autonomous electric passenger shuttle service known as "Miki" at the Daniel K. Inouye International Airport.

Chairperson Violet Horvath reported on the Permitted Interaction Group's accessibility study of the Miki shuttle. The Group consisted of Board members Violet Horvath, Gerald Ohta, and Charlotte Townsend. See attached report. Board member Charlotte Townsend said the Miki shuttle may be part of the state's sustainable/green transportation. She added looking at future sustainable transportation should be inclusive for people with all types of disabilities. Board member Gerald Ohta was also looking at how it complied with language access laws; there was not much signage, it may be something to pay attention to in the future.

Testimony: Donald Sakamoto asked about how silent is the Miki shuttle, whether the operator has control of the vehicle, and the number of shuttles in the fleet.

Board member Charlotte Townsend said one of the big issues for persons who are blind is when the ramp is not hooked up, there's a significant drop, and on disembarking there is not a lot of support from the rails.

VIII. New Business

A. Review of DCAB Organizational Chart

Kirby Shaw reviewed the positions on DCAB's organizational chart.

Testimony: Peter Fritz asked how each unit is organized and who does staff report to in each unit.

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

Donald Sakamoto informed the Board that Honolulu is the only county that doesn't have a Mayor's Committee on People with Disabilities. A Committee with individuals with different disabilities can provide input to the Mayor and his Cabinet.

X. Chairperson Violet Horvath reminded Board members of the next General meeting scheduled for September 19, 2024, 11:00 a.m. – 1:00 p.m.

XI. The meeting adjourned at 1:05 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

/s/
CINDY Y. OMURA

REPORT OF THE DISABILITY AND COMMUNICATION ACCESS BOARD'S PERMITTED INTERACTION GROUP TO INVESTIGATE DANIEL K. INOUE INTERNATIONAL AIRPORT'S NEW ELECTRIC PASSENGER SHUTTLE, "MIKI"

AUGUST 1, 2024

Present: Violet Horvath, Gerald Ohta, Charlotte Townsend (Permitted Interaction Group Members); Bryan Mick (DCAB Staff); Dawn Tsue (Department of Transportation Assistant Airport Superintendent), Duane Buote (Department of Transportation ADA Coordinator); Shawn Agustin (Sustainability Partners).

Purpose: The group visited the Daniel K. Inouye International Airport and took a round trip on the new electric autonomous passenger shuttle Miki to evaluate the accessibility of Miki for passengers with various disabilities.

When: Tuesday, July 11, 2024, at 2:00 p.m.

Summary: The group met at the Airport Administrative Office on the 7th floor of terminal 1, and proceeded to an area where travelers wait for a Wiki Wiki shuttle or a Miki shuttle. The Miki is currently in an 18-month pilot project which ends November 2025 and is run by Sustainability Partners (SP). SP actively supports Hawai'i in procuring electric vehicles and charging infrastructure on a per-mile cost basis. SP procured the vehicles from Beep, Inc., who provides autonomous mobility vehicles nationwide.

Miki is intended to supplement the Wiki Wiki shuttle service, not replace it. An attendant shared that Miki recently assisted with 100 rides. If, at the conclusion of Miki's pilot project, the Department of Transportation (DOT) wishes to implement it as a regular service, more vehicles will be procured.

There are currently 4 Miki vehicles, allowing 3 to be in service during peak morning hours. Wiki Wiki shuttles have drivers. Mikis are autonomous, but have an attendant on board. Mikis are preprogrammed to follow a specific route and come to a full stop at intersections and passenger loading areas. In order to move, the attendant must press a button to prompt the Miki shuttle to proceed to its next preprogrammed stop.

Each Miki shuttle has a capacity of 11 passengers (seated and standing), with space for one wheelchair, including tie downs. If there are 2 passengers traveling together who both use wheelchairs, they must wait for a Wiki Wiki shuttle.

The Wiki Wiki shuttles have ramps which automatically deploy for passengers who are unable to step up into the vehicles. Miki shuttles have a manual ramp which is stored in the cabin and must be installed upon request by the attendant. It is secured to the vehicle by 2 large pins. It takes about 45 seconds for the ramp to be installed. The ramp is unable to be safely stored in the cabin with 8 people on board, which is the number of persons that were on board during the demonstration.

Pros:

1. The Miki shuttle can serve as a valuable supplement to the Wiki Wiki shuttle, especially for small groups who might otherwise have a long wait for a Wiki Wiki shuttle.

2. Electric vehicles are an important part of the State's green energy goals and Miki is a positive addition to achieving those goals.
3. While the Wiki Wiki shuttle drivers must possess a Commercial Drivers License, Miki attendants only need to have a standard driver's license, thereby making the recruitment and hiring of Miki attendants much easier.
4. The Miki shuttle high ceiling and multiple windows helped minimize the sense of crowding despite its relatively small size.
5. The Miki attendant had a great attitude and clearly wanted to help people reach their destinations safely and expediently.

Observations and Recommendations:

1. The travel experience should be designed for persons with disabilities to be as equivalent as possible compared to the experience for those without a disability. The less self-advocacy or separation required, the better. Universal design and procedures are ideal.
2. The Miki shuttle preprogrammed route results in a gap of about 7 inches from the curb to the vehicle floor. Someone who is not using the ramp has to step down from the curb to the tarmac level and then up into the vehicle. This would be very difficult for a person with a vision impairment or a disability that impacts their balance or stability.
3. The Miki ramps should automatically deploy from the vehicle and not require a person to manually install and remove it. The ramp was quite long in as the curb heights vary within the airport, and a shorter ramp would result in a slope that exceeds regulations at certain stops. The airport should try and make all curbs heights standard.
4. All passenger vehicles should be designed with a minimum of 2 wheelchair areas with securement systems.
5. Audio announcements of stops would be beneficial to those with visual impairments.
6. The Miki shuttle occasionally brakes very hard, which is dangerous for anyone standing and could be painful even for someone who is seated. The vehicles should be programmed to brake slowly whenever possible and the design should provide for more places to hang onto, particularly when standing or when seated in middle seats.
7. All attendants should be provided with training on how to interact and communicate with travelers who have a variety of disabilities, not just mobility disabilities.
8. All attendants should be provided with training on Hawaii Revised Statutes 321C regarding language access.
9. The Disability and Communication Access Board's (DCAB) Standing Committee on Transportation should continue to monitor the Miki pilot project and any related proposals once the pilot project has concluded.

10. DCAB should proactively offer to provide training sessions for Airport employees, vendors, and contractors.
11. DCAB should continue to advocate that Department of Transportation (DOT) organize a committee comprised of airport users with various disabilities to advise DOT, their vendors, and their contractors on accessibility.

The Permitted Interaction Group extends its thanks to the Department of Transportation and Sustainability Partners for organizing this site visit.



Photo showing a person using a motorized wheelchair boarding a Miki vehicle using a ramp that was manually attached to the vehicle by the Miki attendant.



Photo showing a person in a motorized wheelchair and three standing people riding inside a Miki vehicle.