

# DISABILITY AND COMMUNICATION ACCESS BOARD

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

## NOTICE OF MEETING

### Disability and Communication Access Board

#### General Board Meeting

March 21, 2024

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://us02web.zoom.us/j/87622984120?pwd=RG5jaEJCvK9odEpDN0VvVHlzc0V6QT09>

and enter Meeting ID: 876 2298 4120, Passcode: 096750

#### To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 876 2298 4120, Passcode: 096750

#### 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 Board members are able to review testimony prior to the meeting, written testimony should be submitted 48 hours prior to the

scheduled meeting date and time. Any written testimony submitted after such time will be distributed to the members and the public at 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
  - This meeting is being recorded.
  - A quorum of Board members is required to be visible on screen.
  - Raise hand to speak unless called upon.
  - Identify yourself before speaking.
- II. Roll Call/Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of Annual Planning and General Board Meeting Minutes of July 20, 2023
- V. Executive Director's Report
  - 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.”
  - Personnel
    - Recruitment for the Planner/ADA Coordinator, Communication Access Specialist, Program Support Technician I positions – Update.
- VI. Committee Reports
  - A. Executive Committee  
No meeting held. No report.
  - B. Legislative Committee
    - Report of the Committee meetings held on January 31, February 7, February 23, and March 18, 2024.
    - Total number of bills and resolutions the Committee has taken a stance on, number of bills and resolutions that are still alive, and the number of testimonies submitted to date.
    - DCAB travel bill and minibus parking bill.
  - C. Standing Committee on Communication Access
    - Report on SB 3290 SD2 HD1 – Relating to American Sign Language.
    - Establish in-person Quarterly Continuing Education Unit Workshops.
    - Organize State Communication Access Conference by Next Summer.

- Recruit individuals to take Hawaii Quality Assurance System testing and Increase the number of interpreters with Hawaii State Sign Language Interpreter Credentials.
- D. Standing Committee on Facility Access  
No meeting held. No report.
- E. Standing Committee on Parking
- Report of the Committee meeting held on March 19, 2024.
  - Statistics on the issuance of disability parking permits in the first two months of Quarter 3.
  - Statistics on the number of emails sent in the first two months of Quarter 3 to permittees regarding a pending disability parking permit expiration.
  - Update on crosscheck of DCAB Parking Database with the Office of Vital Records Deceased Residents Database.
  - Update on procurement of placards and decals.
  - 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 Americans with Disabilities Act and or State design.
- F. Standing Committee on Transportation
- Report of the Committee meeting held on November 9, 2023 and March 19, 2024.
  - Proposed Amendments to the DCAB Guiding Principles on Public Transit Fixed Route Bus Service and Paratransit Service and DCAB Guiding Principles on the Mobility and Safety of Pedestrians.
- G. Special Parent Information Network (SPIN)
- SPIN Conference Preparations.
  - Presentation at the Office of Student Support Services Conference.
  - Children's Mental Health Acceptance Activities.
- VII. Old Business
- A. ADA Coordination
- Review statistics of ADA technical assistance program. Update.
- VIII. New Business
- A. Report on the U.S. Department of Justice, Notice of Proposed Rulemaking, Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities.
- B. U.S. Department of Transportation– Notice of Proposed Rulemaking - Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs – Staff Summary.
- C. Sunshine Law Complaint filed Against DCAB
- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meet.
- X. Next Meeting

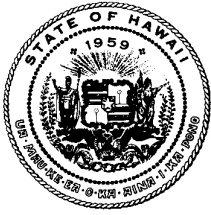
XI. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Scott Castor at (808) 586-8121 or email [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

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

**CANCELLED**



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## DRAFT MINUTES

### Disability and Communication Access Board Annual Planning Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118  
Date: July 20, 2023  
Time: 9:00 a.m.

PRESENT: Violet Horvath, Chairperson; Ron Awa, Rosanna Daniel-Kanetake, Gerald Isobe, Marie Kimmey, Summer Kozai, Michael Nojima, Gerald Ohta, Teri Spinola-Campbell, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Duane Buote, Bryan Mick, Susan Rocco, Sue Radcliffe, Staff

ABSENT: Anthony Akamine, Scott Fleming, Dean Georgiev, Nikki Kepo'o, LisaAnn Tom, Board Members

GUESTS: Peter Fritz; Donald Sakamoto, Citizens for a Fair ADA Ride

#### SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Erika Perry

#### REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

I. Chairperson Violet Horvath called the meeting to order at 9:20 a.m. She provided information about testimony or comments presented by members of the public.

Kirby Shaw reported that no public testimony was received.

II. Roll was called and Board members, staff, and guests introduced themselves.

III. Disability and Communication Access Board End of the Year Report FY 2022-2023

Kirby Shaw reported that Board members received the End of the Year Report on staff accomplishments over the previous fiscal year relative to DCAB's Plan of Action.

Staff reported on the section by section accomplishments and noted the following new goal(s) and objective(s) under:

Civil Rights and Justice - New objective: Provide training to State ADA Coordinators on making website and web content accessible. **(Priority 1)**

Communication Access – New objectives: 1) Provide continuing education workshops and trainings for State credentialed interpreters and individuals studying

for a credential to gain workforce experience. **(Priority 1)**; and 2) Update the Hawaii State Sign Language Interpreter Credential and recommended fee schedule, as needed. **(Priority 1)**

Parking - New objectives: 1) Establish a disability travel placard, including any necessary amendments to Chapter 291, Part III, Hawaii Revised Statutes and Title 11, Chapter 219, Hawaii Administrative Rules. **(Priority 2)**; 2) Explore legislation that would suspend the driver's license of a person who illegally uses a deceased permittee's parking permit to obtain disability parking privileges. **(Priority 2)**; 3) Explore legislation that would deposit a percentage of the fine from parking citations issued for a violation of Chapter 291, Part III, Hawaii Revised Statutes to the parking enforcement agency that issued the citation. **(Priority 1)**

Parking – New goal: Advocate that ADA Title II and Title III entities provide accessible and van accessible parking spaces that exceed the minimum number required under the Americans with Disabilities Act Accessibility Guidelines. Advocate that all accessible parking spaces are maintained and located on an accessible route that connects to an accessible entrance. New objectives: 1) Send correspondence to State and local governments to request an increase in the number of accessible and van accessible parking spaces. **(Priority 2)**; 2) Send correspondence to ADA Title III entities to request an increase in the number of accessible and van accessible parking spaces. **(Priority 2)**; 3) Testimony will encourage ADA Title II and Title III entities to provide van accessible parking spaces that exceed the minimum number required under the Americans with Disabilities Act Accessibility Guidelines. **(Priority 2)**

Other Program Issues – New objectives: 1) Establish a policy to remediate all inaccessible documents on the Disability and Communication Access Board's website to ensure they are accessible, and to ensure that all new documents and other content posted on the website are accessible. **(Priority 1)**; and 2) Establish an interim notice and grievance procedure pursuant to the requirements of Title II of the ADA and post on the DCAB website until DOH establishes a notice and grievance procedure that covers DOH and attached agencies, including DCAB. **(Priority 1)**

Guest Peter Fritz stated that DCAB needs to create its own grievance procedure. Kirby Shaw explained that DCAB is currently working on a grievance procedure.

Board member Charlotte Townsend suggested that DCAB staff network with the County of Hawaii regarding their grievance procedure. Board member Teri Spinola-Campbell commented that the County of Hawaii had a comprehensive anti-harassment, anti-discrimination policy, and complaint procedure.

Board member Charlotte Townsend inquired if the Governor's Emergency Proclamation on Housing has any impact on DCAB. Duane Buote indicated that he is unsure if the proclamation exempts DCAB's Hawaii Revised Statutes §103-50 review process, but it would not exempt the state or county from federal compliance obligations.

IV. Disability and Communication Access Board Proposed Plan of Action for FY 2023-2024

After reviewing the Proposed Plan of Action for fiscal year 2023-2024, Chairperson Violet Horvath called for a vote to accept the Plan of Action with staff's recommendations and additional objectives under the "Other Program Issues" section (M/S/P Townsend/Ohta).

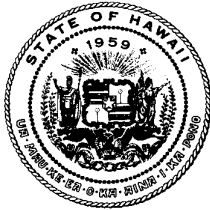
V. The meeting was adjourned at 10:55 a.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

CINDY Y. OMURA

**CANCELLED**



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## DRAFT MINUTES

### Disability and Communication Access Board General Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118  
Date: July 20, 2023  
Time: 11:00 a.m.

PRESENT: Violet Horvath, Chairperson; Ron Awa, Gerald Isobe, Nikki Kepo'o, Marie Kimmey, Summer Kozai, Michael Nojima, Gerald Ohta, Teri Spindola-Campbell, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Duane Buote, Susan Rocco, Bryan Mick, Sue Radcliffe, Staff

ABSENT: Anthony Akamine, Rosanna Daniel-Kanetake, Scott Fleming, Dean Georgiev, LisaAnn Tom, Board Members

GUESTS: Peter Fritz; Curt Kiri, CK Independent Living Builders, Donald Sakamoto, Citizens for a Fair ADA Ride; Annette Tashiro, State Rehabilitation Council

#### SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Carie Sarver

#### REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Chairperson Violet Horvath called the meeting to order at 11:08 a.m. She provided information about testimony or comments presented by members of the public.
- II. Roll was called and Board members, staff, and guests introduced themselves.
- III. Statement from Public and Written Testimonies Submitted

Kirby Shaw reported that staff did not receive public written testimony. Guest Peter Fritz had a procedural comment on submitting testimony to the Board.

- IV. Approval of General Board Meeting Minutes of May 18, 2023

Minutes of the May 18, 2023 General meeting were approved as circulated (M/S/P Awa/Townsend).

- V. Executive Director's Report

Kirby Shaw reported the Governor's Office informed DCAB that Scott Fleming, Dean Georgiev, Michael Nojima, and LisaAnn Tom have been confirmed as voting members of the Board.

He updated Board members on the collaboration between the Office of Enterprise Technology Services (ETS) and DCAB that produced a draft of the Hawaii Electronic



Information Technology Disability Access Standards. Invitations to participate on the Working Group will be sent to interested parties to review, identify areas of concern, and provide advice on the Standards.

Kirby Shaw provided an update on the Parking Program Special Fund, which started on January 1, 2023. Deposits of \$1.00 from each motor vehicle registration fee is deposited into the fund and all costs associated with the parking program will be appropriated from this fund beginning July 1, 2023.

He updated Board members on the Planner/ADA Coordinator position and stated that the job announcement was revised to indicate the salary and emphasize the involvement with State and County ADA matters. Staff is still recruiting for the Planner/ADA Coordinator and the Communication Access Specialist positions. He announced that Christine Holmes is the new DCAB Office Assistant. She moves from the Parking Program, and there is now a vacancy in that Unit.

He provided an update on the Department of Health's (DOH) Telework Policy and how some DCAB staff are teleworking two (2) days a week with all staff in the office on Wednesdays.

Kirby Shaw met with the Director of the Office on Equality and Access to the Courts, Hawaii State Judiciary. The Office will be holding an Accessibility Conference on February 2, 2024, and asked for participation from Board members because of their insight into disability issues.

## VI. Committee Reports

### A. Executive Committee

There was no meeting held, and no report was provided.

### B. Legislative Committee

There was no meeting held, and no report was provided.

### C. Standing Committee on Communication Access

Committee Chairperson Gerald Isobe reported that the Committee met on July 6, 2023, and requested ratification of the July 6, 2023 meeting minutes. The minutes were ratified (M/S/P Kepo'o/Ohta).

### D. Standing Committee on Facility Access

Duane Buote reported that the Committee has not met since the last Board meeting. He provided information on the 2023 Disability Access Conference which was held virtually on June 29 and June 30, 2023 with topics on the Fair Housing Act. There was an average of one hundred fifty seven (157) attendees at each session.

He also reported that the Facility Access Unit staff have started teleworking two (2) days a week. Because staff have shown the ability to complete their work while teleworking during the pandemic, the new telework schedule is not expected to affect the Unit's work output.

E. Standing Committee on Parking

Committee Chairperson Summer Kozai reported that the Committee met on July 13, 2023. She reported that roughly seven thousand nine hundred (7,900) placards were issued and three hundred fifty eight (358) special license plates were reauthorized or issued in the fourth quarter. Of the placards, around two thousand (2,000) were temporary, five thousand nine hundred (5,900) were long term, and twenty one (21) were Disabled Paid Parking Exemption Permits. Of the long term placards, about two thousand four hundred eighty eight (2,488) were renewals issued by DCAB. The renewal rate was sixty six percent (66%).

She reported that staff is preparing to send letters to businesses that have parking lots with one hundred (100) or more spaces asking to consider increasing the number of accessible and/or van accessible spaces, ensure the spaces are connected to a properly maintained accessible route, and consider placing the priority signs for vehicles with a side mounted lift or ramp at their van accessible spaces. Letters were sent to the four (4) County Mayors asking to increase the number of accessible and van accessible spaces at county facilities, and to install signs at van accessible spaces indicating the priority is for vehicles with side mounted lifts or ramps.

She reported that during the fourth quarter, one thousand sixty (1,060) emails were sent to permittees to remind them of their placard expiration date. Twelve (12) submissions were received via the webpage to report parking placard misuse; and one submission was received reporting a non-design complaint space.

A crosscheck with the DOH Vital Records Branch will be done this fiscal year, and staff is preparing to solicit bids to procure temporary and long term placards.

Guest Curt Kiriu had a question regarding businesses that have accessible parking stalls, "Who is responsible to monitor the stalls?" Kirby Shaw explained the various obligations and avenues for enforcement regarding accessible parking. Bryan Mick explained the rules and requirements for placard use in Hawaii. Guest Donald Sakamoto added that more education is needed on the special license plates and parking in accessible stalls.

F. Special Parent Information Network

Susan Rocco reported that SPIN created its first infographic six (6) years ago and SPIN's website collection has grown to eighty eight (88) and counting. Infographics have been proven to be more effective than plain prose at creating interest in a topic and helping the reader to retain key facts and messages. In early July, SPIN staff further organized the collection into nine (9) categories: Deaf/Hard of Hearing/Deaf-Blind Collection; Health and Well-Being Collection; MCH LEND & SPIN Collection; School Supports Collection; SPIN Conference Workshops Collection; Special Education Advisory Council (SEAC) Collection; SPIN & Monitoring and Compliance (MAC) Branch Collection; Transition to Adulthood Collection; Catch All Collection (finances, assistive technology, tips and more).

SPIN was asked by the Department of Education's (DOE) Monitoring and Compliance Branch to assist in creating or updating existing infographics for seventeen (17) indicators the Office of Special Education Programs uses to

measure compliance with and results relating to the Individuals with Disabilities Education Act (IDEA). The aim is to involve more stakeholders in monitoring these indicators and weighing in on improvement efforts.

SPIN staff is in the process of drafting the Report of the Special Education Advisory Council's activities for school year 2022-2023 along with recommendations to the Superintendent of Education. A multipage infographic on current data pertaining to students receiving special education supports has been vetted by the DOE and is available to all special education stakeholders. The infographic helps raise awareness of how Hawaii compares to other states and territories on key accountability measures.

## VII. Old Business

### A. ADA Coordination

Kirby Shaw reported that staff responded to fifty one (51) ADA-related inquiries since the last Board meeting. DCAB held meetings of the State and County ADA Coordinators on July 11, and July 13, 2023, respectively, with topics that included discussion on the Guidance document and grievance procedure. The Guidance document discussion focused on whether the sample statement regarding an accommodation request is legally binding, and whether a department or agency accommodation wording complies or conflicts with the requirements of Hawaii Revised Statutes Section 92-7 (Sunshine Law). Digital content accessibility training sessions for State ADA Coordinators is scheduled to begin in either September or October.

Guest Peter Fritz indicated that the Programs and Services Manual included items that DOH is not following the language. He commented on wording in sections of the Manual and on agendas that are posted on the State calendar on how to request an accommodation.

Board member Charlotte Townsend made a motion to move forward with the Manual, then improvements can be made. Guest Peter Fritz said you can release Manual as is and then go through and address some of the issues. He said that the Manual should be updated after all the bills have been signed by the Governor and put into action. With discussion on the Programs and Services Manual (agenda item VII, C.) under this agenda item, Chairperson Violet Horvath asked if Board members had any objections to taking agenda item VII, C. out of order.

### B. Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events. Review and update the guidance language on the provision of auxiliary aids/services or accommodations due to a disability at public meetings or events. Update.

Kirby Shaw reported DCAB provided training on the Guidance document to State and County ADA Coordinators.

### C. Disability and Communication Access Board Programs and Services Manual. Update.

Kirby Shaw said that Board members received a draft copy of the Programs and Services Manual. Discussion on the Programs and Services Manual was held on agenda item VII. A. Board member Charlotte Townsend had made a motion to

move the Manual forward (M/S/P Townsend/Spinola-Campbell). Chairperson Violet Horvath asked that the Board revise the Manual as issues arise or at a minimum annually.

Board member Charlotte Townsend amended her original motion to move the Programs and Services Manual forward by adding that the Manual will be reviewed and updated at a minimum on an annual basis (M/S/P Townsend/Ohta).

D. Letter to Governor Green and County Mayors – Request to increase the number of reserved parking spaces for persons with disabilities in state parking facilities beyond the minimum Americans with Disabilities Act requirements. Update.

Kirby Shaw reported the letters to Governor Green and the four (4) County Mayors were sent and staff will follow up as to status. Guest Curt Kiriu inquired if an ADA Coordinator is similar to an inspector for compliance. Kirby Shaw briefly explained the role of an ADA Coordinator. Guest Curt Kiriu asked how the State and County would get better oversight and compliance from private facilities. Board member Charlotte Townsend stated that is one of the limitations of the law, that there is no enforcement mechanism to correct deficiencies. Kirby Shaw explained that the ADA is a federal law, and there are some limitations on enforcement. Guest Peter Fritz spoke about Hawaii Civil Rights Commission (HCRC) assistance on disability complaints. DCAB may want to request a presentation from HCRC to see how both Boards can work together on enforcement.

E. Nominating Committee Report and Election of Officers for FY 2023-2024.

Board member Marie Kimmey reported for the Nominating Committee. The Committee included Nikki Kepo'o and Gerald Ohta who presented the proposed slate of officers for next fiscal year. The proposed slate: Chairperson, Violet Horvath and Vice Chairperson, Charlotte Townsend. The proposed slate was approved (M/S/P Awa/Spinola-Campbell).

VIII. New Business

A. Comments submitted in support of Federal Communications Commission proposed requirements for commercial mobile service providers that have elected to participate in the Wireless Emergency Alert system (WEA) to make WEA more accessible, including to people who primarily speak a language other than English or Spanish and people with disabilities who cannot access messages displayed in conventional formats.

Kirby Shaw reported that comments in support of the proposed requirements were submitted to the Federal Communications Commission.

D. Standing Committee on Transportation – Call for Members.

Chairperson Violet Horvath called for members to serve on the Committee. Board members Teri Spinola-Campbell, Violet Horvath, Charlotte Townsend, and Gerald Ohta volunteered to serve on the Committee.

IX. Open Forum

Chairperson Violet Horvath spoke about the John A Burns School of Medicine students graduating being able to work with persons with disabilities and increasing the number of students with disabilities. A student who is graduating and has a disability has proposed a disability interest group, proposed a disability elective, and a disability certificate of distinction. If anyone is interested in interacting with the students to help train them to work with various kinds of disabilities, contact her at [vhorvath@hawaii.edu](mailto:vhorvath@hawaii.edu).

Guest Donald Sakamoto spoke about the news segments of problems with Handi-Van.

Guest Curt Kiriu inquired if there is a Standing Committee on Housing. Kirby Shaw explained there is no Committee, but the Standing Committee on Facility Access covers various topics including accessible housing. Chairperson Violet Horvath is a proponent of Universal Design. Board member Charlotte Townsend suggested writing a letter to Governor Green to request including an individual with knowledge on accessible design or an individual with a disability to provide input on accessible housing to be included as housing advisors.

X. The next General meeting is scheduled for September 21, 2023 beginning at 11:00 a.m.

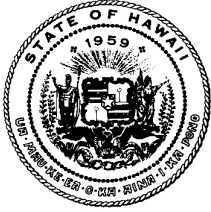
XI. The meeting was adjourned at 1:00 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

CINDY Y. OMURA

CANCELLED



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING March 21, 2024

**TOPIC:** U.S. Department of Transportation – Notice of Proposed Rulemaking – Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs

**SUMMARY:**

The U.S. Department of Transportation (DOT) submitted for publication a Notice of Proposed Rulemaking (NPRM) on February 27, 2024, which seeks to address the serious problems that individuals with disabilities using wheelchairs and scooters face when traveling by air that impact their safety and dignity, including mishandled wheelchairs and scooters and improper transfers to and from aircraft seats, aisle chairs, and personal wheelchairs. Comments are due by April 17, 2024.

**ANALYSIS:**

The Notice of Proposed Rulemaking:

- (1) Clarifies that safe and dignified assistance to individuals with disabilities is required when providing required accommodations.
- (2) Clarifies that prompt enplaning, deplaning, and connecting assistance is required, including moving within the airport terminal including requiring the passenger's personal wheelchair must be available as close as possible to the door of the aircraft to the maximum extent possible, except: (a) where this practice would be inconsistent with Federal regulations governing transportation security or the transportation of hazardous materials, (b) or when the passenger requests the wheelchair be returned at a location other than the door of the aircraft.
- (3) Defines mishandling to mean lost, delayed, damaged, or pilfered (stolen) and specifies that any mishandling by the airlines is a regulatory violation.
- (4) Requires airlines to timely notify passengers when the wheelchair or scooter have been loaded and unloaded from the cargo compartment, or upon learning the device does not fit on the plane.
- (5) Requires airlines to transport a delayed wheelchair or scooter to the passenger's final destination within 24 hours of the passenger's arrival by whatever means possible.
- (6) Requires airlines to provide the passenger a choice between picking up the wheelchair or scooter at his or her destination airport or having the wheelchair delivered to another location based on a reasonable request by the passenger, such as the passenger's home or hotel.

- (7) Following a mishandling, requires airlines to provide passengers the option of: the carrier handling the repair or replacement of the device, with a device of equivalent or greater function and safety, within a reasonable timeframe and paying the associated costs; or the passenger arranging for the repair or replacement of the device, with a device of equivalent or greater function and safety, through his or her preferred vendor with the carrier having the responsibility to transport the device to the preferred vendor and pay the vendor directly for the repairs or replacement.
- (8) Requires airlines to provide loaner wheelchairs while individuals with disabilities are waiting on repairs or replacement of a mishandled device. Requires airlines to consult with the individual receiving the loaner wheelchair to ensure that the loaner wheelchair fits the passenger's functional needs, as much as possible, and safety-related needs.
- (9) Requires annual training, including hands-on training, of airline employees and contractors who physically assist passengers with mobility disabilities or handle passengers' wheelchairs or scooters.
- (10) Requires new improved performance standards for on-board wheelchairs (OBWs) on twin-aisle aircraft and aircraft with 60 or more seats, consistent with standards for OBWs on single-aisle aircraft with 125 or more seats.
- (11) Seeks comments regarding whether to specify that one lavatory needs to be of sufficient size: to permit both a passenger with a disability and an attendant to enter and maneuver within the lavatory, and to set a 95<sup>th</sup> percentile male standard for the individual with a disability and the attendant in place of the non-specific standard currently set forth for twin-aisle aircraft lavatories.
- (12) Seeks comments regarding whether U.S. and foreign air carriers should be required to reimburse the difference between the fare on a flight a wheelchair user took and the fare on a flight that the wheelchair or scooter user would have taken if his or her wheelchair or scooter had been able to fit in the cabin or cargo compartment of the aircraft.

STAFF RECOMMENDATION:

DCAB should support the NPRM and comment the lavatory should be required to be of sufficient size to permit both a passenger with a disability and an attendant to enter and maneuver within the lavatory, and to set a 95<sup>th</sup> percentile male standard for the individual with a disability and the attendant in place of the non-specific standard currently set forth for twin-aisle aircraft lavatories. DCAB should also comment that U.S. and foreign air carriers should be required to reimburse the difference between the fare on a flight a wheelchair user took and the fare on a flight that the wheelchair or scooter user would have taken if his or her wheelchair or scooter had been able to fit in the cabin or cargo compartment of the aircraft.