

# 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

## NOTICE OF MEETING

### Disability and Communication Access Board

#### General Board Meeting

April 18, 2024

11:00 a.m. – 1:00 p.m.

#### AGENDA

The Disability and Communication Access Board (DCAB) 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/88473963654?pwd=QmdXN1F3QWNSeHdwMUZqZWluUHE0Zz09>

and enter Meeting ID: 884 7396 3654, Passcode: 687844

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

Dial 1 669 900 6833 and enter Meeting ID: 884 7396 3654, Passcode: 687844

#### **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 (ADA), 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.
  - If quorum is not achieved at the beginning of the meeting or quorum is lost, the meeting will be stopped and cancelled.
  - If a Board member leaves the meeting, the Board member will need to notify the Chairperson.
  - Raise hand to speak unless called upon.
  - Identify yourself before speaking.
- II. Roll Call/Introductions
- III. Statement from Public and Written Testimonies Submitted
  - A. Report on testimony and presentations from November 16, 2023 meeting where quorum was not achieved.
    1. Rules of Public Testimony and Office of Information Practices Guidelines
    2. Submit Testimony Webpage demonstration.
    3. Courtesy letters to departments and agencies regarding public notice and agenda accessibility issues.
  - B. New and/or additional testimony.
- IV. Approval of General Board Meeting Minutes of November 16, 2023.
- V. Executive Director's Report
  - A. Report on testimony and presentations for the following agenda items from November 16, 2023 meeting where quorum was not achieved.
    1. 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.”
    2. Personnel
      - a. Recruitment for the Planner/ADA Coordinator, Communication Access Specialist, Program Support Technician I positions – Update.
    3. Videos on Civil Rights in American Sign Language for persons who are Deaf, Hard of Hearing and DeafBlind.

4. Training sessions for State ADA Coordinators and employees on making web content accessible for persons with disabilities.
- B. Board Member Resignation.
- C. Hawaii Ethics Commission Annual [Financial Disclosure E-Filing](#) Requirement for Board Members.
- VI. Committee Reports
- A. Executive Committee
1. Report on testimony and presentations from November 16, 2023 where quorum was not achieved. No meeting held. No report.
  2. Report on scheduled meetings.
- B. Legislative Committee
1. Report on testimony and presentations from November 16, 2023 where quorum was not achieved. Kirby Shaw reported that in preparation for the upcoming legislative session, a December Committee meeting is planned.
  2. Report on the 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.
  3. DCAB travel bill ([HB 2447/SB 3136](#) – Relating to Parking for Disabled Persons. Establishes a disability travel placard to be issued to an existing permittee for use at the travel destination) and minibus parking bill ([HB 2446/SB 3135](#) – Relating to Parking for Disabled Persons. Authorizes the Examiner of Drivers to suspend the driver's license of a person who violates certain regulations relating to the use of disability parking permits. Requires the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation. Authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with ordinances. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.
- C. Standing Committee on Communication Access
1. Report on [SB 3290 SD2 HD1](#) – 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. Requires a report to the Legislature.
  2. Establish in-person Quarterly Continuing Education Unit Workshops.
  3. Organize State Communication Access Conference by Next Summer.
  4. 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
1. Report on basic training sessions on accessible design requirements for design professionals held in November and December of 2023.
  2. Report on virtual 2024 Disability Access Conference tentatively scheduled for June 20 and 21, 2024.
  3. Report on Facility Access Unit staff telework schedules.

E. Standing Committee on Parking

1. Proposed parking related legislation for the 2024 session. [The two measures below were introduced as part of the Governor's package of legislation.]
  - a. [HB 2447/SB 3136](#) – Relating to Parking for Disabled Persons. Establishes a disability travel placard to be issued to an existing permittee for use at the travel destination.
  - b. [HB 2446/SB 3135](#) – Relating to Parking for Disabled Persons. Authorizes the Examiner of Drivers to suspend the driver's license of a person who violates certain regulations relating to the use of disability parking permits. Requires the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation. Authorizes each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with ordinances. Authorizes officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.
2. Statistics on the issuance of disability parking permits.
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 and or State design requirements.
4. Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.
5. Update on letter to ADA Title III entities (places of public accommodation) with 100 or more parking spaces requesting additional accessible spaces and informing them of a voluntary information sign that can be placed at their van accessible parking spaces to notify permittees that the priority for using such spaces is for vehicles with a side mounted lift/ramp.
6. Update on procurement of placards and decals.
7. Update on crosscheck of DCAB Parking Database with the Office of Vital Records Deceased Residents Database.

F. Standing Committee on Transportation

- 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. The proposed amendments to the specific sections below are underscored.
  - a. DCAB Guiding Principles on Public Transit Fixed Route Bus Service and Paratransit Service.
    - i. (10) The procurement of public transit vehicles should include specifications that exceed Federally required accessibility minimums, consider the preferences of riders with disabilities, and prioritize electric vehicles.
  - b. DCAB Guiding Principles on the Mobility and Safety of Pedestrians.
    - i. These guiding principles are to assist DCAB in preparing testimony or offering comments on Federal, State, and county government proposed laws, rules, polices, and procedures. DCAB shall advocate for and promote these principles whenever appropriate.
    - ii. (3) Utilize the best design guidelines of accessibility, not only the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but also the proposed Public Right of Way Accessibility Guidelines (PROWAG). Incorporate the principles of Universal Design. Implement best practices from other jurisdictions around the world.

- iii. (7) Prioritize the safety and security of pedestrians with disabilities during their interactions with others using personal transportation devices such as bikes, e-bikes, scooters, e-scooters, and Segways. This includes but is not limited to the planning and design of transportation systems, the passing of statutes and ordinances, and the enforcement of regulations and laws.
- iv. (8) When accessible routes are changed or removed, such as mid-block crosswalks, ensure that any feature (curb cuts, tactile floor mats, etc.) used to indicate the presence of the accessible route are also altered or removed.
- v. (13) Recognize that traffic speed is an important element of pedestrian safety. Speed limits should be set and enforced with an emphasis on pedestrian safety, including enhanced penalties for speeding in areas which have designated pedestrian routes.
- vi. (14) Ensure maximum visibility and audibility at pedestrian crossings. Technology installed at pedestrian crossings such as push activated lights utilize technology should provide maximum accessibility for pedestrians with disabilities and others.
- vii. (15) Any task force, committee, working group, etc., which will be discussing pedestrian safety should include members with mobility related disabilities and disabilities that impact wayfinding and navigation.

G. Special Parent Information Network (SPIN)

- 1. Working with the Civil Rights Compliance Branch (State of Hawaii Department of Education) Work Group.
- 2. SPIN's participation in the Maui Ohana Resource Fair.
- 3. SPIN Conference Update.
- 4. Presentation at the Office of Student Support Services Conference.
- 5. Children's Mental Health Acceptance Activities.

VII. Old Business

- A. Report on testimony and presentations from November 16, 2023 meeting where quorum was not achieved.
- B. ADA Coordination
  - 1. Review statistics of ADA technical assistance program. Update.
  - 2. Making web content accessible for persons with disabilities training sessions for ADA Coordinators.

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.

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

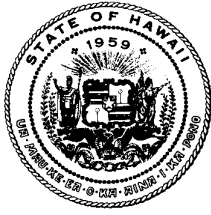
X. Next Meeting on May 16, 2024 at 11:00 a.m. – 1:00 p.m.

## 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/>.



# 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

## **DRAFT MINUTES**

### Disability and Communication Access Board General Meeting

Location: Virtual via Zoom and 1010 Richards Street, Room 118  
Date: November 16, 2023  
Time: 11:00 a.m.

PRESENT: Violet Horvath, Chairperson; Scott Fleming, Marie Kimmey, Michael Nojima, Gerald Ohta, Teri Spinola-Campbell, LisaAnn Tom, Charlotte Townsend, Board Members; Kirby Shaw, Kristine Pagano, Bryan Mick, Rodney Kanno, Sue Radcliffe, Amanda Kaahanui, Scott Castor, Staff

ABSENT: Anthony Akamine, Ron Awa, Rosanna Daniel-Kanetake, Dean Georgiev, Gerald Isobe, Nikki Kepo'o, Summer Kozai, Board Members

GUESTS: Peter Fritz; Donald Sakamoto, Citizens for a Fair ADA Ride; Curt Kiri; Alberto Perez de Jesus, Hawaii Pacific University; Brian Hauser, Aloha Independent Living Hawaii

#### SIGN LANGUAGE

INTERPRETERS: Mala Arkin and Jackie Emmart

#### REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Chairperson Violet Horvath called the meeting to order at 11:06 a.m. She provided information on testimony or comments presented by the public.
- II. Roll was called and Board members, staff, and guests introduced themselves. No quorum achieved.
- III. Statement from Public and Written Testimonies Submitted (no quorum)

The following are notes of the testimony and presentations received in compliance with Hawaii Revised Statutes §92-2.5(d).

Kirby Shaw reported that staff received one (1) written testimony from Peter Fritz. Guest Peter Fritz shared his concerns regarding the language that is being used on State departments/entities agendas and notices of meetings for accommodation requests. The concern is that requests must be made by a particular date without elaborating. He sent out some sample reasonable accommodation request language from the Federal Communications Commission (FCC) that clarifies what information should be provided and that late requests will be accepted.

Based on Guest Peter Fritz's comments, Board member Teri Spinola-Campbell questioned whether DCAB could draft a request to the Governor to issue an Executive Order with the appropriate reasonable accommodation request language.

Guest Peter Fritz commented that different agencies have different rules for administrative directives. The FCC language would be appropriate as an agency would need to try and accommodate the request up to the time of the meeting/event.

Rules on Public Testimony and Office of Information Practices Guidance. Kirby Shaw explained that members of the public who attend meetings may ask questions of board members and staff in testimonies. Once members of the public are done with their testimony that is it, unless the board members request additional information from a member of the public. There is no requirement under the Sunshine Law that there be a response to the questions. This is the guidance from the Office of Information Practices (OIP). The public does not have a right to engage in deliberations with the board.

Submit Testimony Webpage demonstration. Bryan Mick shared a demonstration of a new web page for the public to submit testimony to the Board. He indicated that the web page is similar to what the Legislature and the County Councils use. It could be published now if there are no changes.

Board member Charlotte Townsend said that the form should be accessible and usable to persons with disabilities. Previously dropdown menus on forms were not ADA compliant for persons with visual impairments.

Guest Peter Fritz had a comment on accessibility of the web page. He suggested that DCAB contact the Office of Enterprise Services (ETS) or the consultant they use to test pages for accessibility.

Courtesy letters to departments and agencies regarding public notice and agenda accessibility issues. Kirby Shaw reported can this that DCAB is developing a cover letter and form that would indicate where the request for accommodation statement is deficient if a public entity's meeting notice or agenda does not contain adequate information (i.e., contact name, phone number, email address, etc.) to notify the public of their ability to request an auxiliary aid, service, or other accommodation.

Guest Peter Fritz commented that OIP should handle anything that's missing required by Chapter 92-7, and that DCAB should focus on complying with disability laws.

#### IV. Approval of Annual Planning and General Board Meeting Minutes of July 20, 2023

Agenda item was taken out of order and discussed when Board member LisaAnn Tom joined and quorum was achieved.

The minutes of the Annual Planning meeting held on July 20, 2023 were approved as circulated (M/S/P Ohta/Fleming). The minutes of July 20, 2023 General meeting were approved as circulated (M/S/P Townsend/Ohta).

#### V. Executive Director's Report

Agenda items were taken out of order and discussed when Board member LisaAnn Tom joined and quorum was achieved.

Kirby Shaw reported that staff provided a presentation to the Maui County Council Committee Water Authority, Social Services and Parks on DCAB's parking program. The Committee was considering a bill to expand their volunteer parking enforcement program to include other traffic violations.



Kirby Shaw reported that DCAB was able to connect Federal Emergency Management Agency (FEMA) personnel with disabilities advocates, especially families and individuals who are deaf or hard of hearing to assist with recovery. DCAB connected families of children with disabilities to services, and tried to connect mental health therapists who are fluent in American Sign Language (ASL) to the deaf and hard of hearing community. He stated that County of Maui Division of Motor Vehicles waived the fee for a replacement parking placard lost in the fires. Guest Donald Sakamoto asked if a person had special license plates which were destroyed in the fires, would the replacement fee be waived. Kirby Shaw said it was his assumption without knowing more that the fee would be waived.

Guest Curt Kiriu said that there's a lot of housing proposals coming up due to the fires. However, the homes may not be accessible. We should be proactive in providing a positive input/recommendations to developers regarding housing accessibility.

Guest Peter Fritz commented that the building code contains accessibility requirements; so, if you're building something new there are certain requirements.

Guest Brian Hauser said that they are reviewing housing and programs, what's working and what's falling short. They have worked with the State Developmental Disabilities Council and have worked with nine (9) survivors from the deaf community on an iPad program. They have a presentation coming up to look for solutions for housing, not just individual homes, temporary shelters, and permanent shelters, but really a whole community. The presentations have ASL interpreting and are recorded.

Board member Charlotte Townsend said adaptability is everything. She suggested working with a national veteran's organization, American Vets. They have done wonderful things with adaptability and new construction for disabled veterans far beyond what the local community does in the housing and real estate market.

Kirby Shaw said that staff provided ADA Title II training to the University of Hawaii at Hilo faculty, administrators, and staff. There will be another presentation in Spring 2024.

Kirby Shaw commented on two (2) bills passed by the 2023 Legislature, Act 019, SLH 2023 ([SB 1513](#)), which requires a board to report its discussion and any final action it took in an executive session when it reconvenes in public session and Act 125, SLH 2023 ([HB 712 HD1 SD1](#)), which encourages boards to keep recordings of remote meetings online, requires a copy of a recording be sent to the State Archives before a board removes a remote meeting recording from its website, and requires the beginning of a board's written minutes to include a link to an electronic audio or video recording of the meeting if such a recording is available online. He indicated that as of now, DCAB will keep the meeting recordings on our website. Guest Peter Fritz asked for clarification between the difference of a recording and a transcript; this may be something the Board can look into. Guest Donald Sakamoto asked if the state has a backup system should the website get hacked. Kristine Pagano said that the State has a backup system.

Board member Charlotte Townsend left the meeting. Loss of quorum. The following are notes of the testimony and presentations received in compliance with Hawaii Revised Statutes § 92-2.5(d).

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 ETS in consultation with DCAB is developing a standard for accessible websites and web content. DCAB has been meeting with ETS on a regular basis and is waiting on ETS to issue a letter to

prospective group members to provide input on the draft standard. Guest Donald Sakamoto asked if there is a timeline for implementation of the standard. Guest Peter Fritz said there was not particular timeline and asked how the report would be published.

Personnel (Recruitment for the Planner/ADA Coordinator, Communication Access Specialist, Program Support Technician I positions – Update. Kirby Shaw reported that the office is still recruiting for the Planner/ADA Coordinator, Communication Access Specialist, and Program Support Technician I positions. He announced that Rodney Kanno is the new Facility Access Coordinator, effective today, November 15, 2023.

Videos on Civil Rights in American Sign Language for persons who are Deaf, Hard of Hearing, and DeafBlind. Kirby Shaw reported the publishing of a series of videos on civil rights in American Sign Language (ASL) for persons who are deaf, hard of hearing and deaf-blind. The development of the videos was a collaboration between the Hawaii Civil Rights Commission (HCRC) and DCAB. The videos cover individual rights, communication access discrimination, employment discrimination, and housing discrimination, as well as filing a complaint for HCRC. The videos are posted on the HCRC and DCAB websites.

Training sessions for State ADA Coordinators and employees on making web content accessible for persons with disabilities – Update. Kirby Shaw said that he will report about the virtual training sessions on making web content accessible under ADA Coordination.

## VI. Committee Reports

Board member Charlotte Townsend left the meeting. Loss of quorum. The following are notes of the testimony and presentations received in compliance with Hawaii Revised Statutes § 92-2.5(d).

### A. Executive Committee (no quorum)

No meeting held. No report.

### B. Legislative Committee (no quorum)

Kirby Shaw said that in preparation for the upcoming legislative session, a December Committee meeting is planned.

No quorum. Agenda items were deferred until next meeting.

### C. Standing Committee on Communication Access (no discussion)

No meeting held. No report.

### D. Standing Committee on Facility Access (no discussion)

No meeting held. No report.

### E. Standing Committee on Parking (no discussion)

- Report of the Committee meeting held on November 9, 2023.
- Proposed parking related legislation for the 2024 session. A travel bill that would establish a disability travel placard to be issued to an existing permittee for use at the travel destination and a minibus parking bill that would (1) authorize the Examiner of Drivers to suspend the driver's license of a person

who violates certain regulations relating to the use of disability parking permits, (2) require the court to distribute fifty per cent of any fine imposed on a person who violates certain regulations for the use of disability parking permits to the law enforcement agency that issued the citation, (3) authorize each county to enact ordinances to enforce the design and construction requirements for the provision of accessible parking spaces, including the establishment of penalties for failure to comply with the ordinances, and (4) authorize officials appointed by a county to enter the property of places of public accommodation to enforce violations of the county ordinances.

- Statistics on the issuance of disability parking permits.
- 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 requirements.
- Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.
- Update on letter to ADA Title III entities with 100 or more parking spaces requesting additional accessible spaces and informing them of a voluntary information sign that can be placed at their van accessible parking spaces to notify permittees that the priority for using such spaces is for vehicles with a side mounted lift/ramp.
- Update on procurement of placards and decals.
- Update on crosscheck of DCAB Parking Database with the Office of Vital Records Deceased Residents Database.

F. Standing Committee on Transportation (no discussion)

- Report of the Committee meeting held on November 9, 2023.

G. Special Parent Information Network (no discussion)

- Working with the Civil Rights Compliance Branch (DOE) Work Group.
- SPIN's participation in the Maui Ohana Resource Fair
- SPIN Conference Update

VII. Old Business

Agenda item taken out of order. The following are notes of the testimony and presentations received in compliance with Hawaii Revised Statutes § 92-2.5(d).

A. ADA Coordination (no quorum)

Review Statistics of ADA technical assistance program. Kirby Shaw reported that staff responded to over fifty six (56) technical assistance requests. Types of requests for technical assistance included: captioning services, limitations on accommodations, whether hostels are covered under the ADA, access to a bark park, relocation of public parking at a state facility, DCAB Programs and Services Manual, service animals, and guidance on the provision of auxiliary aids and services at public meetings or events. State ADA Coordinators meetings were held on July 11, 2023 and October 10, 2023 and the County ADA Coordinators meetings were held on July 13, 2023 and October 12, 2023.

Guest Peter Fritz shared that he spoke with someone from Civil Beat on the Sunshine Law, and he commented that if there's no quorum you can listen to testimony but can't ask questions, and that's consistent with the OIP opinion. He also requested a copy of the transcript of the meeting.

Making web content accessible for persons with disabilities training sessions for ADA Coordinators. Kirby Shaw reported that Aurora Design and Consulting, LLC, provided training to State ADA Coordinators on making web content accessible for persons with disabilities. The sessions would be helpful to learn skills on making documents videos, tables, forms, PowerPoint presentations, livestreaming accessible for persons with disabilities.

Guest Donald Sakamoto commented he hoped that the counties were involved in the training. He has had obstacles in getting accessible documents from the City.

VIII. New Business (no discussion)

No quorum. Agenda items were deferred until next meeting.

- 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.

IX. Open Forum (no quorum)

Board member Charlotte Townsend left the meeting and as a result there was no quorum. The following are notes of the testimony and presentations received in compliance with Hawaii Revised Statutes § 92-2.5(d).

Guest Donald Sakamoto said he attended a meeting of the Statewide Elections Accessibility Needs Advisory Committee. It's important that persons with disabilities have access to the elections, especially with electronic balloting.

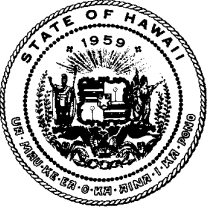
Guest Curt Kiriu suggested if the Board could discuss at a future meeting to establish an ADA department or office, staffed with experienced ADA planners whose main responsibility is to prepare prior to or respond at a moment's notice to each neighbor island county.

- X. The next meeting is scheduled for January 18, 2024 beginning at 11:00 a.m.
- XI. The meeting adjourned at 1:01 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

CINDY Y. OMURA



# 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

## STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING April 18, 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.