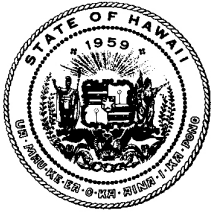


DISABILITY AND COMMUNICATION ACCESS BOARD
GENERAL MEETING
JANUARY 16, 2025

LIST OF BOARD PACKET DOCUMENTS

1. Disability and Communication Access Board Meeting Agenda, January 16, 2025.
2. Disability and Communication Access Board Draft Minutes, September 25, 2024.
3. Disability and Communication Access Board Testimony to the United States Architectural and Transportation Barriers Compliance Board – Notice of Proposed Rulemaking, Electric Vehicle Charging Stations.
4. DCAB Guiding Principles on the Mobility and Safety of Pedestrians with Disabilities - Proposed Amendment.
5. United States Department of Labor Notice of Proposed Rulemaking, Employment of Workers with Disabilities Under Section 149(c) of the Fair Labor Standards Act – Staff Summary.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

NOTICE OF MEETING

Disability and Communication Access Board

General Board Meeting

January 16, 2025

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/89259893851?pwd=HXiLldWmWIHSiYKL9dfxILLrDt4k6x.1>

and enter Meeting ID: 892 5989 3851

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 892 5989 3851

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. Written testimony may be submitted by one of the methods listed below:

- By email to: 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
- IV. Approval of General Board Meeting Minutes of September 26, 2024.
- 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”.
 - B. Personnel
 1. DCAB Staffing Status.
 - a. Program Support Technician I position filled.
 - b. Special Parent Information Network Program Specialist I position move to office in Hilo.
 2. 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 – Update.
- VI. Committee Reports
 - A. Executive Committee
 1. United States Architectural and Transportation Barriers Compliance Board - Notice of Proposed Rulemaking, Electric Vehicle Charging Stations. Vote to ratify the Committee's decision to submit comments in support of the proposed regulation.

- B. Legislative Committee
 - 1. Reviewed DCAB legislative position statements and determined subject matter categories.
 - 2. Determined the types of positions to take on legislation.
 - 3. Authorized submission of testimony on companion legislation when the Legislative Committee has previously taken a position on a sibling bill or resolution.
 - 4. Authorized submission of testimony on bills and resolutions that are functionally similar to bills or resolutions on which the Legislative Committee took a position.
 - 5. DCAB Bills to be Introduced.
 - a) Parking Bill.
 - b) Travel Placard Bill.
 - 6. Communication with legislators.

- 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).
 - 2. 2025 Communication Access State Conference.
 - 3. Report on the Hawaii Quality Assurance System (HQAS) Test.

- D. Standing Committee on Facility Access
 - 1. 2024 Basic ADA Training Sessions on the ADA Accessibility Guidelines (ADAAG) and Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG) – Update.

- E. Standing Committee on Parking
 - 1. The Committee held a meeting on January 13, 2025.
 - 2. Disability Parking Placard Issuance Statistics for Quarter 1 and Quarter 2 Fiscal Year 2024-2025 – Update.
 - 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.
 - 4. Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.
 - 5. Update on procurement of placards and decals.
 - 6. Summary of staff meetings with the Departments of Law Enforcement, Department of Land and Natural Resources, and Honolulu Police Department (HPD) Volunteer Special Enforcement Officer (VSEO) Program.
 - 7. Update on letters sent to Retail Merchants Association and the Chamber of Commerce.
 - 8. Update on Draft Legislation: (1) Bill to authorize the counties to adopt and enforce design requirements for accessible parking spaces, and (2) Bill to create a travel placard for use by a Hawaii permittee at their destination location.

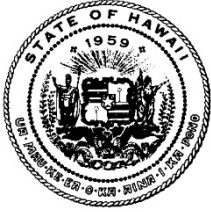
- F. Standing Committee on Transportation
 - 1. The Committee held a meeting on January 13, 2025.
 - 2. Maui County Bill 141 (2024) relating to taxi fare surcharges for wheelchairs.
 - 3. Proposed changes to metered on and off street parking in the City and County of Honolulu.

4. Request that the full Board amend DCAB Guiding Principles on the Mobility and Safety of Pedestrians: “7) Support regulations that new vehicles are designed to prevent pedestrian collisions or to minimize their impact, including through the use of technology such as pedestrian automatic emergency breaking.”
 5. Request the Board to Establish a Permitted Interaction Group to Investigate the Animal Inspection Station and Procedures for Individuals Arriving with Animals at the Daniel K. Inouye International Airport.
- G. Special Parent Information Network (SPIN)
1. Report on the December 3, 2024 State Performance Plan/Annual Performance Report (SPPP/APR) Engagement Meeting
 2. Planning for the March 22, 2025 SPIN Conference. Update.
 3. New Infographic Series – Coordination with the Department of Education.
- VII. Old Business
- A. ADA Coordination
1. Review statistics of ADA technical assistance program. Update.
 2. State and County ADA Coordinators meetings.
 3. Making State and Counties web content and mobile apps accessible for persons with disabilities training sessions for ADA Coordinators. Update.
- B. Emergency Preparedness Efforts
1. Meetings with the Federal Emergency Management Agency (FEMA).
 2. Update on the 2009 Interagency Plan.
- VIII. New Business
- A. Wage and Hour Division, Department of Labor, Notice of Proposed Rulemaking, Employment of Workers with Disabilities Under Section 149c) of the Fair Labor Standards Act – 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 Meetings: March 20, 2025, 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 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

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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 16, 2025

TOPIC: U.S. Department of Labor, Notice of Proposed Rulemaking – Employment of Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act

SUMMARY:

The U.S. Department of Labor (DOL) is seeking public comments on a proposed amendment to the Fair Labor Standards Act (FLSA). Currently, FLSA Section 14(c) allows the Secretary of Labor to issue certificates allowing employers to pay productivity-based subminimum wages to workers with disabilities. The DOL is proposing to delete this exemption, which would ensure that employees with disabilities are paid no less than the prevailing federal minimum wage, currently \$7.25 per hour.

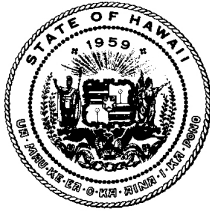
ANALYSIS:

The FLSA was adopted in 1938 and allowed for subminimum wages for employees with disabilities, largely as a Depression era policy to try and facilitate the eventual full gainful employment of persons with disabilities. In practice, it served to permanently cap the hourly wage some individuals with disabilities would attain. Hiring practices have greatly changed in the subsequent 80+ years, most notably with the passing of the Americans with Disabilities Act of 1990. Disabled workers under 14(c) certificates are paid \$3.34/hour on average, with many workers being paid even less—despite many of those underpaid disabled workers performing the same duties as their non-disabled colleagues. Many states, including Hawaii in 2021, have banned subminimum wages for employees with disabilities. Subminimum wages as an employment tool are archaic and a clear violation of individuals with disabilities civil rights.

If the amendment is adopted, the FLSA will continue to allow subminimum wages for learners, apprentices, and messengers employed primarily in delivering letters and messages. Notably, these categories all have a direct nexus to the job duties and presumably to the employees' qualifications and are not based strictly on a demographic characteristic of an employee.

STAFF RECOMMENDATION:

Staff recommends that the Board submit a letter to the U.S. Department of Labor in support of the proposed amendment to the FLSA eliminating the 14(c) certificate program.



DISABILITY AND COMMUNICATION ACCESS BOARD

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DRAFT MINUTES

Disability and Communication Access Board General Board Meeting

Location: Virtual and 1010 Richards Street, Room 118
Date: September 26, 2024
Time: 11:00 a.m. – 1:00 p.m.

PRESENT: Violet Horvath, Chairperson; Anthony Akamine, Ronald Awa, Rosanna Daniel-Kanetake, Scott Fleming, Nikki Kepo'o, Marie Kimmey, Michael Nojima, Gerald Ohta, Teri Spinola-Campbell, LisaAnnTom, Charlotte Townsend, Board Members; Kirby Shaw, Rodney Kanno, Bryan Mick, Kristine Pagano, Elizabeth Pearson, Sue Radcliffe, Susan Rocco, Justin "Pono" Tokioka, Staff

ABSENT: Anthony Akamine, Scott Fleming, Gerald Isobe, Board Members

PUBLIC PARTICIPANTS: Peter Fritz, Donald Sakamoto

SIGN LANGUAGE

INTERPRETERS: Darlene Baird and Michele Morris

REAL TIME

CAPTIONERS: April Chandler and Kelly DeCamp

- I. Chairperson Violet Horvath called the meeting to order at 11:11 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, and staff introduced themselves.
- III. Statement from Public and Written Testimonies Submitted

Chairperson Violet Horvath reported that the office received one testimony.

Testimony: Peter Fritz summarized the written testimony he submitted. He stated the importance of language on meeting notices, and communication between the Disability and Communication Access Board (DCAB) and State Americans with Disabilities Act (ADA) Coordinators.

- IV. Approval of Annual Planning Meeting Minutes and General Board Meeting Minutes of August 1, 2024.

Minutes of the August 1, 2024 Annual Planning meeting were approved as circulated (M/S/P Townsend/Daniel-Kanetake).

Minutes of the August 1, 2024 DCAB General meeting were approved as circulated (M/S/P Kimmey/Ohta).

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 the Office of Enterprise Technology Services (ETS) received comments on the draft standards from several entities and individuals. ETS is editing the draft standards to incorporate the comments.

Testimony: Peter Fritz said he submitted comments on the ambiguity from a drafting standpoint that might raise the standard from 2.1 Web Content Accessibility Guidelines. The Guidelines are up to 2.2, but haven't been incorporated into the 508 Standards, so there's confusion between those standards and the ADA.

B. Personnel

1. DCAB Staffing Status.
 - a. Program Support Technician I position
 - b. Facility Access Specialist II position

Kirby Shaw reported that the Program Support Technician I position is vacant, and the job announcement can be found on the DCAB website. Staff is waiting for approval to hire the Facility Access Specialist II position.

2. 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 – Update.

Kirby Shaw reported there is no update on the position, however, staff is optimistic that the Legislature and Governor will see the importance of the position because of the new requirements under the ADA.

Testimony: Peter Fritz said ETS is responsible for the State website. How will DCAB explain to the Legislature why they are doing something that is the responsibility of ETS, contractors, and other entities.

Board member Charlotte Townsend inquired what level will this new position have (e.g., II, III, etc.); with specific skills toward technology. Does the State have such a position to give this new job responsibility to have clout to be able to handle the technology.

Kristine Pagano said that staff did research on this new position. She said that the position is specific to ensuring the web content is accessible. Kirby Shaw also added that there is no position in the State who can inform entities and individuals how to make documents accessible, how to make videos accessible, how to caption, etc.

Board member Charlotte Townsend asked if the position would be equivalent to the technical position at the Department of Accounting and General Services or be more of a Policy Program Specialist to provide support. She

said she was trying to give that position some clout within government, that would give a ranking of an individual with that skill set the incentive to want to be assigned to a state government job.

C. Report on staff attendance at conferences and events.

1. 2024 ADA Coordinator Training Certification Program (ACTCP), Fall ADA Coordinator Conference, Madison, Wisconsin, October 21–22, 2024.

Kirby Shaw reported Elizabeth Pearson, Planner and ADA Coordinator, will be attending this conference to complete her ADA Coordinator certification training.

Testimony: Peter Fritz inquired if a report will be written and circulated.

D. The Pacific ADA Center research team (from the University of Guam) survey of persons with disabilities and caregivers.

1. Requesting participants for the “Healthcare staff implementation of Americans with Disabilities Act responsibilities: barriers and strategies to address” survey.

Kirby Shaw reported the survey is about gathering information from people with disabilities and caregivers on the ease or difficulty of receiving health care; from are exam rooms accessible, to proper equipment, is staff trained, etc., to show where problems are and how it should be addressed.

Board member Charlotte Townsend said that several members of the Board took part in a previous survey from Guam. Members who participated never received a report. Will the comments be incorporated into the new survey?

Kirby Shaw said he believes this is the same effort and the University of Guam received a lot of input, but not enough, so this is another opportunity for Region IX States (e.g., Hawaii, California, Arizona, Oregon, etc.) to provide additional input. He is also contacting counties as experiences on the neighbor islands are possibly different than on Oahu.

Testimony: Donald Sakamoto inquired if the survey was accessible to screen readers.

E. Office of Information Practices

1. Whether there is a legal requirement for State entities to use on their notices of public meetings or events the exact wording of the sample statements provided in DCAB’s [Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events](#) to inform the public that they may request auxiliary aids/services or other accommodations due to a disability to participate in a public meeting or event?

Kirby Shaw reported per the Sunshine Law there is no prescribed language or wording for the accommodation statement. As long as the entity provides the public with information on how to request an accommodation (e.g., name of contact, phone number, and email address).

2. Whether DCAB enforces the ADA notice requirements ([28 Code of Federal Regulations 105.36](#)) or Sunshine Law notice requirements ([§ 92-7, Hawaii Revised Statutes](#)) as they pertain to informing the public that they may request auxiliary aids/services or other accommodations due to a disability to participate in a public meeting or event?

Kirby Shaw reported DCAB does not enforce the ADA notice requirements, per the Office of Information Practices (OIP). DCAB is providing guidance to entities based on the understanding of the notice requirements.

Testimony: Peter Fritz restated that he has concerns regarding language on the notices and how its communicated to other entities.

Board member Teri Spinola-Campbell asked why the term “reasonable accommodation” is being used, which is for ADA Title I Employment, instead of “reasonable modification” to programs, services, activities to be accessible to persons with disabilities under ADA Title II State and Local Government, and Title III Public Accommodations.

Board member Charlotte Townsend said she was pleased about clarification from OIP, it sets a straighter understanding and that there’s a lot more to be done to communicate and support agencies.

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 has not met 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. DCAB staff and the Working Group met three times since July and are currently focusing on creating community surveys for data collection. There are three (3) different surveys to be sent: (1) Deaf, Deaf Blind, Hard of Hearing, Late Deafened (DDBHLD); (2) American Sign Language (ASL) interpreters; and (3) ASL students at universities and community colleges. The purpose of these surveys is to analyze the problem of the interpreter shortage in Hawaii. Surveys may be sent out next week. The report to the Legislature will need to be completed by December 31, 2024.

D. Standing Committee on Facility Access

1. 2024 Basic ADA Training Sessions on the ADA Accessibility Guidelines (ADAAG) and Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG).

Committee Chairperson Marie Kimmey reported the Committee has not met since the last Board meeting. The Basic ADA training series for fiscal year 2024-2025 is currently planned for five (5) sessions; each session will be from 9:00 a.m. to 11:00 a.m. The sessions are planned for: Session 1 (Chapters 3 and 4), November 6, 2024; Session 2 (Chapters 5 and 6), November 13, 2024; Session 3 (Chapters 7 and 8), November 20, 2024; Session 4 (Chapters 9 and 10), December 4, 2024; and Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG), December 18, 2024.

Testimony: Peter Fritz said the electric vehicle charging stations which will be discussed later on the agenda, is something that the Committee may want to review. The proposed standards may carry over to ADA Title II and plans submitted for review to the Facility Access Unit.

Board member Rosanna Daniel-Kanetake left the meeting at 12:20 p.m.

E. Standing Committee on Parking

1. Disability Parking Placard Issuance Statistics for first two months of Quarter 1, Fiscal Year 2024-2025 – Update.

Committee Chairperson Summer Kozai reported the Committee met on September 24, 2024. She reported in the first two (2) month of this fiscal year around five thousand five hundred (5,500) placards were issued and two hundred fifty (250) special license plates reauthorized or issued. Of the placards, about one thousand four hundred (1,400) were temporary, four thousand (4,000) were long term, and eighteen (18) were Disabled Paid Parking Exemption Permits. Of the long term placards, about one thousand seven hundred (1,700) were renewals issued by DCAB. The renewal rate was seventy two percent (72%).

2. 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.

Committee Chairperson Summer Kozai reported in the first two (2) months of this fiscal year, four (4) submissions were received to report parking placard misuse on the webpage and staff sent two (2) letters to permittees in response. The last quarter of fiscal year 2023-2024, five (5) submissions were received via the webpage to report a non-design compliant space; one inquiry was forwarded to Windward Mall and Target with a reply that they would investigate and correct the problem.

Testimony: Donald Sakamoto requested the webpage url. He would like the webpage information provided to Neighborhood Boards office, to assist with disseminating the information.

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

Committee Chairperson Summer Kozai reported that one thousand two hundred ninety two (1,292) reminder emails were sent to permittees of a pending permit expiration.

4. Update on procurement of decals.

Committee Chairperson Summer Kozai reported that staff has begun the process to procure month and year decals.

5. Summary of a staff meeting with the Department of Land and Natural Resources.

Committee Chairperson Summer Kozai reported staff met with the Department of Land and Natural Resources (DLNR) Enforcement Division Chief to discuss accessible parking enforcement. He agreed to stress to his officers about issuing citations for violations not only on patrolled State land, but anytime they witness a violation.

6. Letter to the Retail Merchants Association and Chamber of Commerce requesting they forward to their members DCAB's letter requesting Title III entities provide accessible spaces in addition to the legally required minimum and install priority for lift and ramp equipped vehicles signs on their van accessible spaces. 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 circulate to their members a letter DCAB previously sent to large parking lot owners requesting increasing the number of accessible parking spaces.

7. Proposed parking legislation.

Committee Chairperson Summer Kozai Committee Chairperson Summer Kozai reported there are three (3) bills under review for possible submission which would impact the parking program. (1) Creates a travel placard for Hawaii resident to use when training; (2) authorizes the counties to enforce accessible parking design requirements; and (3) establishes an accessible parking space violation surcharge and remits fifty percent (50%) of the surcharge to the County Police Department.

Testimony: Peter Fritz commented to look at a tax credit that was done to make modifications where it encourages people to take a particular type of action.

F. Standing Committee on Transportation

1. Consultant recommendation that the City and County of Honolulu establish a second base yard for paratransit.

Chairperson Violet Horvath reported the Committee met on September 24, 2024 and discussed a recommendation from the City and County of Honolulu

to establish a second base yard for paratransit services. Staff will inquire with the City on the status of this recommendation.

2. University of Hawaii at Manoa pilot project – Automated Driverless Student Shuttle.

Chairperson Violet Horvath reported the Committee reviewed a response from the University of Hawaii regarding its autonomous student shuttle pilot program.

3. Roundabouts and accessibility for pedestrians with disabilities.

Chairperson Violet Horvath reported the Committee discussed roundabouts and how to advocate for maximum design accessibility for pedestrians with disabilities.

Testimony: Donald Sakamoto stated that its very dangerous for blind individuals to traverse in a roundabout. He said while in Washington, D.C., there were beacons for roundabouts; it was very beneficial; accessibility and safety issues.

4. 911 calls from wheelchair users who are dropped off at curbside and need assistance to get from the curb to home – Update.

Chairperson Violet Horvath reported the Committee reviewed a response from the Honolulu Fire Department (HFD) regarding a concern raised with being called multiple times to assist someone who had been dropped off curbside and needed assistance getting into their home. While the frequency doesn't appear to impact HFD's operations, it does highlight the need to find ways to improve accessibility of the built environment and to publicize the existence of programs which may be able to assist such individuals such as Catholic Charities Transportation for Kupunans.

G. Special Parent Information Network (SPIN)

1. Update on the 2025 SPIN Conference Planning - Venue, theme, date, and collaboration with the Special Education Conference.

Kirby Shaw reported the SPIN Advisory Committee chose the title "The Magical World of SPIN" with a tag line "there's no hocus pocus, lots of hard work, and focus!" for the 39th Annual SPIN Conference. The Department of Education's Exceptional Support Branch has offered to sponsor the food and facility costs of the conference scheduled for March 22, 2025 as an extension of their week long contract with the Hawaii Convention Center over Spring Break. SPIN welcomed Ben Chu, a popular past conference presenter who has a lived experience with autism and welcomed back the Assistive Technology Resource Centers as a co-sponsor under the direction of Jodi Asato.

2. Invitation to present two workshops at the Early Childhood Conference.

Kirby Shaw reported SPIN staff have been asked to co-present at the Early Childhood Conference on October 10-11, 2024. SPIN's presentation—"Singing to the Choir: Support for Young Families of Children with

Disabilities”—will focus on helping participants find the tools, resources, and information that are useful to families, teachers, and community providers. The conference is free for all DOE personnel, community partners, and families support young children with disabilities.

3. Special Education Advisory Council (SEAC) Annual Report for School Year 2023-2024.

Kirby Shaw reported each year SPIN staff conducts research and develops the draft Annual Report of SEAC. The Report serves as both a record of the Council’s activities and recommendations for improving the delivery of services to students with disabilities while also updating all special education stakeholders on how well Hawaii students are performing compared to their non-disabled peers and to their mainland counterparts. The recently released School Year 2023-2024 report contains a user-friendly data infographic of twelve (12) important indicators related to Hawaii students with disabilities. There are six (6) recommendations to DOE Superintendent Hayashi related to bullying, dispute resolution, and preschool least restrictive environments. To access the Report, go to the report tab on the SEAC webpage.

VII. Old Business

A. ADA Coordination

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

Elizabeth Pearson reported she responded to thirty (30) technical assistance requests, the most common requests regarding housing and service animals or emotional support animals, public access, communication concerns, and transportation.

2. State and County ADA Coordinators meetings.

Elizabeth Pearson reported that there were meetings of the State and County ADA Coordinators held in August. The biggest topic was emergency preparedness and readiness. The 2009 Interagency Action Plan has not been updated, and staff asked County ADA Coordinators to send their emergency readiness plan so it can be assessed how people with disabilities are accounted for in an emergency. Staff met with Roxann Crawford, Federal Emergency Management Agency representative to create a state specific emergency readiness training.

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

Kirby Shaw reported staff will contract with a vendor to provide training session for ADA Coordinators.

Testimony: Peter Fritz requested to be notified of the training sessions.

Agenda item VIII. New Business, A. was taken out of order for discussion purposes and time limitations.

B. Review of DCAB Organizational Chart

Chairperson Violet Horvath asked if this item can be placed on the November 21, 2024 meeting agenda for continued discussion.

VIII. New Business

A. United States Architectural and Transportation Barriers Compliance Board - [Notice of Proposed Rulemaking, Electric Vehicle Charging Stations](#) – Staff Summary.

Bryan Mick reported the staff summary highlighted specific items staff thought were important, such as the minimum number of accessible electric vehicle (EV) charging spaces. Establishes the minimum number of accessible charging spaces using the same table required for accessible parking spaces. The U.S. Access Board is considering a “use last” model which would require more accessible EV charging spaces but would allow anyone to use them if all other spaces are occupied. Staff recommended advocating in support of the proposed amendments and for adoption of the “use last” model where a higher number of EV charging spaces are accessible but not reserved exclusively for EVs with a disability parking permit. He said DCAB has an interpretive opinion that applies to ADA Title II entities, whereas this rule will apply to ADA Title III entities.

Testimony: Peter Fritz said he has concerns about the recommendations. How will cost and enforcement of the spaces be addressed.

Board member Charlotte Townsend expressed her concerns about these as well and the Standing Committee on Parking expressed some of its concerns.

Kirby Shaw suggested that the Standing Committee on Parking meet to further discuss the proposed rules, and conduct an Executive Committee meeting to make a decision on behalf of the Board.

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

Donald Sakamoto asked if there can be discussion on Honolulu City Council's Bill 53 on electric bikes and scooters.

Board member Charlotte Townsend asked if there could be discussion on voting in the primary and general elections and how the Office of Elections is handling mail-in voting for people with disabilities.

Peter Fritz spoke about meeting agenda accessibility (e.g. forwarded to another document to request accommodations, password protected documents).

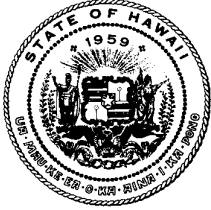
X. Chairperson Violet Horvath reminded Board members of the next General meeting scheduled for November 21, 2024 at 11:00 a.m. – 1:00 p.m.

XI. The meeting adjourned at 1:07 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
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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING September 26, 2024

TOPIC: United States Architectural and Transportation Barriers Compliance Board –
Notice of Proposed Rulemaking – Electric Vehicle Charging Stations

SUMMARY:

The United States Architectural and Transportation Barriers Compliance Board (U.S. Access Board) is seeking public comments on [proposed amendments](#) to the Americans with Disabilities Act Accessibility Guidelines (ADAAG), which apply to entities covered under ADA Titles II and III, as well as the Architectural Barriers Act (ABA) Standards, which apply to Federal facilities.

With the increasing prevalence of electric vehicles (EV) and the nationwide and statewide efforts to expand the number of EV charging stations, it is crucial that these charging stations and their associated parking areas are accessible to people with disabilities. The [Infrastructure Investment and Jobs Act](#) aims to establish a network of over 500,000 EV chargers and to ensure that EVs constitute at least 50% of new car sales by 2030.

The U.S. Access Board is requesting public input on several aspects of the proposed amendments, including the scoping of accessible routes, signage, and charging stations; EV chargers; EV charging spaces; and communication elements and features. Comments are due by November 4, 2024.

ANALYSIS:

The proposed amendments include:

- 1) Accessible Route: Requires EV accessible charging spaces to be located on an accessible route to the building or facility they serve. Note they are not required to be on the shortest accessible route relative to all parking spaces, as utility hook ups would make that cost prohibitive in many locations.
- 2) Identification: Requires EV charging spaces to be identified with a sign complying with ADAAG section 703.7.2.1 unless there are four or fewer total EV charging spaces.
- 3) Minimum Number of Accessible EV Charging Spaces: Establishes the minimum number of accessible charging spaces using the same table required for accessible parking spaces. The U.S. Access Board is considering a “use last” model which would require more accessible EV charging spaces but would allow anyone to use them if all other spaces are occupied.

- 4) Separate Treatment of Charging Stations: If a site has multiple charging stations, requires each one to be scoped separately. This also applies to a single charging station if it contains chargers of different levels.
- 5) Shortest Accessible Route: Requires an EV accessible charging space to be located on the shortest accessible route relative to the other EV charging spaces at the same EV charging station.
- 6) Accessible Communication Features: Requires all EV chargers provide accessible communication features. Accessible communication features enable people who are deaf or hard of hearing, people with vision impairments (but who drive), and other people with disabilities to use an EV charger.
- 7) Accessible Mobility Features: Requires that the EV chargers serving EV charging spaces provide accessible mobility features for the EV charger.
- 8) Minimum Dimensions for Accessible Charging Spaces: Establishes a minimum width of 132 inches and a minimum length of 240 inches for EV charging spaces with mobility features. Establishes a minimum width of 60 inches for an access aisle.

STAFF RECOMMENDATION:

Staff recommends that the Board submit comments to the U.S. Access Board to advocate in support of the proposed amendments and for adoption of the “use last” model where a higher number of EV charging spaces are accessible but not reserved exclusively for EVs with a disability parking permit.



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November 4, 2024

Office of General Counsel
U.S. Access Board
1331 F Street NW
Suite 1000
Washington, D.C. 20004-1111

Submitted via <http://www.regulations.gov>

Regarding: Docket ATBCB–2024–0001 Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines; EV Charging Stations

Dear U.S Access Board:

The Disability and Communication Access Board (DCAB), Department of Health, State of Hawaii, fully supports the proposed regulations outlined in Docket No. ATBCB–2024–0001, with the following amendments:

DCAB advocates for regulations that mandate all electric vehicle (EV) charging spaces comply with mobility accessibility standards, including size, access aisles, and level changes. By adopting a universal design approach, potential challenges related to scoping, enforcement, and identification are effectively addressed. Should universal design not be implemented, DCAB recommends using the “use last” model for determining the minimum number of accessible EV charging spaces.

Additionally, DCAB encourages the Access Board to require public accommodations to assist individuals unable to charge their EVs due to disabilities, similar to existing obligations for gas stations. The Board may also consider proposing a regulation that mandates the maintenance of accessible charging spaces at public accommodations.

DCAB would like to address each question posed in the notice:

- 1. The Board seeks input on the proposed number of EV charging spaces (four or fewer) which would exempt a site from reserving the accessible space for a person with a disability. Is there a reason to increase or decrease the proposed number of spaces?**

DCAB supports maintaining the current proposal of four or fewer spaces exempting sites from reserving an accessible space.

- 2. The Board seeks public input on the approach of requiring 100 percent of EV chargers to have an accessible user interface.**

DCAB endorses the requirement for 100 percent of EV chargers to feature an accessible user interface, supporting the proposal as it stands.

3. **The Board seeks information on the costs of providing accessible user interfaces at EV charging stations, specifically the cost per EV charger, and how the cost per unit would be affected by the requirement that all EV chargers have accessible interfaces at an EV charger.**

DCAB defers to EV charging station manufacturers for insights on costs but notes that this technology is already prevalent in many devices.

4. **Are there any safety concerns with requiring connectors to be operable in accordance with 309.4?**

DCAB defers to automotive and EV charging station manufacturers regarding safety concerns.

5. **Are there connectors currently on the market that comply with 309.4?**

DCAB defers to EV charging station manufacturers for information on compliant connectors currently available on the market.

6. **Is it possible to activate a connector with less than 5 pounds of force?**

DCAB defers this question to EV charging station manufacturers.

7. **Are adapters for alternate connectors provided by the EV Charging station or do individuals bring adapters with them if the EV Charger connector is not compatible with their vehicle?**

DCAB believes that individuals should provide adapters for alternate connectors, rather than placing this responsibility on public accommodations.

8. **Do any EV chargers currently on the market use a cable management system?**

DCAB defers to EV charging station manufacturers but emphasizes the importance of cable lengths being sufficient to reach electric vehicle ports, which lack a standard location.

9. **Is there any other new technology the Board should consider besides a cable management system to ensure that the cable can be moved into place by a person with a disability?**

DCAB defers to EV charging station manufacturers for considerations beyond cable management systems to facilitate cable maneuverability for persons with disabilities.

10. **Should the Board consider requiring a different threshold for the cable management system instead of 5 pounds?**

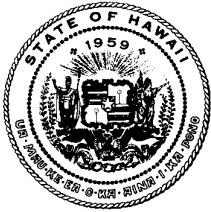
DCAB defers to EV charging station manufacturers regarding the appropriateness of a different threshold than 5 pounds for cable management systems.

The proposed regulations empower individuals with disabilities to confidently purchase electric vehicles, knowing they can access suitable charging stations.

Sincerely,



KIRBY L. SHAW
Executive Director



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DCAB GUIDING PRINCIPLES ON THE MOBILITY AND SAFETY OF PEDESTRIANS WITH DISABILITIES

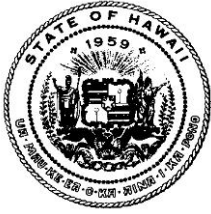
These guiding principles are to assist DCAB in preparing testimony or offering comments on Federal, State, and county government proposed laws, rules, polices, and procedures. DCAB shall advocate for and promote these principles whenever appropriate.

- 1) Prioritize the safety of pedestrians over the travel times of vehicles.
- 2) Utilize technology to assist with enforcement.
- 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.
- 4) Follow the principles contained in Complete Streets and Vision Zero. Complete Streets is a design focused policy which optimizes streets for all modes of transportation including vehicles, pedestrians, bicyclists, and others. Vision Zero is a set of principles, programs, and polices that aim to reduce pedestrian deaths due to vehicles to zero.
- 5) Increase public outreach and education on pedestrian safety issues and ensure these outreach and education issues are delivered in an accessible format.
- 6) Prioritize the construction or modification of infrastructure to ensure pedestrian safety and accessibility.
- 7) Support regulations that new vehicles are designed to prevent pedestrian collisions or to minimize their impact, including the use of technology such as pedestrian automatic emergency braking.
- 8) 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.
- 9) 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.

- 10) Ensure that any new modes of transportation do not encroach on the accessibility of existing infrastructure, such as sidewalks, curb ramps, entrances to buildings or sites, or parking meters.
- 11) Proactively ensure pedestrian routes are maintained free of obstacles.
- 12) Adopt zoning and development standards that encourage and promote mixed-use development and pedestrian connections such as sidewalks, accessible crosswalks, etc.
- 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.
- 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.
- 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.

Adopted by the Board at its General Meeting on July 18, 2019.

Revised by the Board at its General Meeting on January xx, 2025.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 16, 2025

TOPIC: U.S. Department of Labor Notice of Proposed Rulemaking – Employment of Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act

SUMMARY:

The U.S. Department of Labor (DOL) is seeking public comments on a proposed amendment to the Fair Labor Standards Act (FLSA). Currently, FLSA Section 14c allows the Secretary of Labor to issue certificates allowing employers to pay productivity-based subminimum wages to workers with disabilities. DOL is proposing to delete this exemption, which would ensure that employees with disabilities are paid no less than the prevailing federal minimum wage, currently \$7.25 per hour.

ANALYSIS:

The FLSA was adopted in 1938 and allowed for subminimum wages for employees with disabilities, largely as a Depression era policy to try and facilitate the eventual full gainful employment of persons with disabilities. In practice, it served to permanently cap the hourly wage some individuals with disabilities would attain. Hiring practices have greatly changed in the subsequent 80+ years, most notably with the passing of the American with Disabilities Act of 1990. Disabled workers under 14c certificates are paid \$3.34/hour on average, with many workers being paid even less—despite many of those underpaid disabled workers performing the same duties as their non-disabled colleagues. Many states, including Hawaii in 2021, have banned subminimum wages for employees with disabilities. Sub-minimum wages as an employment tool are archaic and a clear violation of individuals with disabilities civil rights.

If the amendment is adopted, the FLSA will continue to allow subminimum wages for learners, apprentices, and messengers employed primarily in delivering letters and messages. Notably, these categories all have a direct nexus to the job duties and presumably to the employees' qualifications and are not based strictly on a demographic characteristic of an employee.

STAFF RECOMMENDATION:

Staff recommends that the Board submit a letter to the U.S. Department of Labor in support of the proposed amendment to the FLSA eliminating the 14c certificate program.