



Commission on People with Disabilities

April 11th, 2018

Welcome and Approval of March 2018 Meeting Summary Minutes:

Seth Morgan, Chair, convened the meeting. A motion was made to approve the March 2018 Meeting Summary Minutes. The motion was seconded. A vote was taken, and the March 2018 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Montgomery County Parks and Playground Surfacing – Kathy Dearstine, Project Manager, and Patricia McManus, PLA, ASLA, Design Section Supervisor

PowerPoint: <http://www.montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/CPWD/PlaygroundSurfacingCPWD.pdf>

A number of different types of surface examples were passed around including engineered wood fiber, rubber tiles and other rubber products, and synthetic turf.

The floor was then opened to questions.

Larry Bram, Commissioner, noted that wood fiber is inaccessible for individuals who use walkers and wheelchairs. If 96% of playgrounds use wood fiber than they are completely inaccessible for children who use wheelchairs. Asha Clark, Commissioner, added that the wood chips can become stuck in leg braces and cause cuts. Larry Bram recommended that Montgomery Parks also consider adding more accessible playground equipment and other elements as they renovate. Kathy noted that Bob Green, Senior ADA Compliance Manager, reviews all playgrounds now.

Nancy Greene, Commissioner, asked for clarification regarding House Bill 505 and House Bill 763. The bill would prohibit the use of any synthetic surfaces, including non-recycled rubber, leaving engineered wood fiber as the only option. The issue was generated by environmental activists from Montgomery County who have been lobbying Councilmembers as well as State representatives. Accessibility does not appear to be part of the conversation, just health and environmental impacts. There is concern in the park and recreation industry if this bill passes. Neal Carter, Commissioner, noted that the Maryland legislative session ended on Monday and there were no votes for either bill. They went through the hearing process and were tabled. Kathy added that versions of these bills have been introduced in the past so Commissioners should stay aware. County Council has passed legislation that requires projects that are publicly funded to use plant based in-fill, which Montgomery Parks currently does. The Environmental Committee approached the Montgomery County Planning Board (MCPB) last summer to get rubber surfacing banned on playgrounds. Montgomery Parks has briefed MCPB with a similar presentation.

Trish Gallalee, Commissioner, acknowledges that many of these playgrounds were designed many, many years ago and there are challenges on how to make them accessible. As a person who is a caregiver for a child, she suggested that there be a rubber surface installed to allow for the caregiver to access the child on the playground in case that child does fall from the equipment. Kathy agreed that there should be more use of synthetic surfaces on the playgrounds. Currently, Montgomery Parks has funding to renovate 5 playgrounds per year. With 275 playgrounds in the system, they are on a 50-year life cycle for renovations. They are thinking of a hybrid approach and using some engineered wood fiber along with some synthetic surfacing as a practical method.

Presentation of Slate of Officers and Election – Ric Kienzle and Larry Bram

Ric Kienzle, Commissioner, reported he and Larry would like to recommend for the September Slate of Officers that Seth Morgan continue as Chair and Trish Gallalee be Vice-Chair. A vote was taken to approve the slate of officers and the slate was unanimously approved.

Ric and Larry also recognized that it would be beneficial for the Commission to have workgroups that would focus on mobility issues in the County as well as track legislation issues. Commissioners interested in joining either of those workgroups should contact Seth.

Chair Report:

Seth Morgan, Chair, reported that the Steering Committee will meet on Wednesday, April 18th from 5:30pm to 7:00pm at the Health & Human Services Building, 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville.

Seth will be making a presentation on behalf of the Commission at a FY19 operating budget hearing tomorrow. He will be testifying in support of maintaining the funding for respite care as well as supporting the increase in funding for the Montgomery County Customized Employment Public Intern Project. The FY19 operating budget includes a \$62,000 line for the employment program, which is an increase in funding and will help to bring the program back to the level it was ten years ago.

Seth reported that County Executive Leggett sent [Expedited Bill 13-18, Taxicabs – Transportation Services Improvement Fund – Use of Fund](#) to the County Council. The bill was developed by the Office of Management and Budget and was introduced by the Council on April 3rd. Bill 13-18 would expand the purpose and use of the Transportation Services Improvement Fund to allow its use "for transportation purposes in the County."

In 2015, the Council enacted Bill 33-15 to impose a charge authorized by the State in its then-newly enacted law regulating "transportation network companies" (TNCs) - ride-hailing services such as Uber and Lyft. In addition to imposing the charge, Bill 33-15 created the Transportation Services Improvement Fund to receive and distribute the revenue generated by the charge. Money from the Fund is to be used to offset higher costs of operating accessible taxicabs in the County, and to provide incentives for improving or expanding transportation options for eligible senior citizens and persons of limited income. The Bill required the Executive to establish the procedure for making disbursements from the Fund by regulation. The fund since its inception has accumulated \$3,000,000. Seth has suggested to Al Roshdieh, Director, Department of Transportation (DOT), that the County should pay half of the rental costs for accessible vehicles to make it a more financial reasonable option for taxi drivers.

Betsy Luecking, Staff, added that as of now, there are 797 regulated taxis in Montgomery County. Of those 797, 60 are accessible vehicles. At any given time, only 20 accessible taxis are on the road. Drivers are independent workers who rent their vehicles and cannot be forced to rent accessible taxis. It used to be a requirement that 10% of the taxi fleet be accessible, but it was changed to only 5%. Betsy asked what percentage of taxicabs should be accessible.

The County Council will be having a hearing on this bill on April 24th. Seth will be testifying in opposition of the bill. The Commission on Aging will also be present and will be testifying against the bill.

It was noted that there is a Montgomery County law that requires all taxi cab companies to have 100% of their fleet be accessible by 2025.

Kathy Mann Koepke, Commissioner, said she has asked taxi cab drivers about their awareness of the subsidy program and most have responded that there is no incentive as the taxi cab company keeps the money and the driver receives nothing. It is also not just the issue of having a certain percentage of accessible taxi cabs. Drivers also need to be trained on how to assist customers with disabilities and accessibility features of the cabs. Accessibility means more than just wheelchair accessible.

Carl Prather, Commissioner, reported that the last several times he has called Abilities Ride and requested an accessible vehicle, they have sent a regular car. One driver also became upset when he tried to pay the \$9.00 fee. He reported the

incident to MetroAccess. Denise Isreal, DOT, will discuss the issue with Carl after the meeting and will follow-up on his behalf with Regency. While Abilities Ride is funded by WMATA, Regency is regulated by DOT. Betsy added that individuals should always state that they require a wheelchair accessible vehicle when making a taxi cab reservation.

Seth has sent an email to every Council member about this issue as well as letters have been sent to Roger Berliner and Al Roshdieh.

Terri Roe, Commissioner, noted MetroAccess will not assist her son who uses an electric wheelchair with getting in and out of the vehicle. She asked Commissioners for feedback regarding their experiences with taxicab companies. Carl said from his experience you are 100% are on your own and most taxicab drivers do not know how to lock a wheelchair down. Seth added that taxi drivers are required to receive ADA training as part of licensing requirements, but drivers may not be retaining this information.

Ric Kienzle, Commissioner, asked if the law requiring all taxis be accessible by 2025 included any targets the taxi cab companies need to reach prior to that year. If not, the companies could declare the feasibility of doing so a hardship and try to change the law. Seth said he is aware of the same issue and will be making a point to include it in his letter.

Ex-Officio and Member Updates:

Susan Hartung, Commissioner, reported that Whitney Ellenby, lawyer, writer and mother based in Montgomery County, has written a raw and candid book about her experiences of Autism with her son titled *Autism Uncensored: Pulling Back the Curtain*. The book is available on Amazon.

Susan noted that last month it was reported that the Developmental Disabilities Advisory Committee (DDAC) had discussed drafting a letter to County Executive Leggett and the County Council about their concerns regarding several DDA issues including the two new waivers and the rate study. Susan would like to move forward with developing the letter. Councilmember George Leventhal will begin meetings for the DD Workgroup in May and then recommendations can move forward after the study is completed. She also noted that there is a new housing community that will be available soon that has 38 MPDU townhomes available. One agency has secured 10 of these MPDU's for adults with Autism. This may go against CMS rulings for inclusive communities.

Larry Bram, Commissioner, reported County Executive Leggett has included \$813,000 in the FY19 operating budget for adult day services. He noted that the State offers Lifespan Respite Care Program that is operated by the Commission on Caregiving. A significant portion of the grant funds are committed to increasing the availability of emergency respite services for people with disabilities across the lifespan. Easter Seals will be hosting a Community Health Fair on April 25th from 1:00pm to 7:00pm at 1420 Spring Street. [HB 0782 – Maryland Achieving A Better Life Experience \(ABLE\) Program – Death of a Designated Beneficiary](#) passed the Maryland General Assembly. The bill authorizes money and assets in an ABLE account to be transferred, on the death of a designated beneficiary, to a certain estate or a certain ABLE account for an eligible individual, unless prohibited by federal law; and prohibiting the State, unless required by federal law, from seeking payment from an ABLE account or its proceeds for certain medical benefits paid for the designated beneficiary. Larry also reported he has been invited to meet with an adults with developmental disabilities advisory committee group in Prince Georges County. The group is reviewing services available across the County, particularly after day programming for adults.

Announcements: None.

Next Full Commission Meeting: Wednesday, May 9th, 2018 – Executive Office Building, 101 Monroe Street, Lobby Level Auditorium, Rockville, MD 20850 – 6:00 p.m. to 7:30 p.m.

Steering Committee Meeting: Wednesday, May 16th, 2018 – Health & Human Services, 401 Hungerford Drive, Conference Rooms 1A/1B, Rockville, MD 20850

Submitted by: Carly Clem, Administrative Specialist I
Betsy Tolbert Luecking, Community Outreach Manager

