



Commission on People with Disabilities

February 12th, 2020

Welcome and Approval of January 2020 Meeting Summary Minutes:

Seth Morgan, Chair, convened the meeting. A motion was made to approve the January 2020 Meeting Summary Minutes. The motion was seconded. A vote was taken and the January 2020 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at

www.montgomerycountymd.gov/cpwd.

County Sensory Friendly Initiative – Leslie Rubin, Senior Legislative Analyst, Office of Legislative Oversight, Montgomery County Council

The mission of the Office of Legislative Oversight (OLO) is to provide accurate information, analysis, and independent findings and recommendations that help the County Council fulfill its legislative oversight function. Legislative oversight is the process by which a legislative body monitors the performance of publicly-funded activities and applies this knowledge to its primary functions of enacting laws, establishing public policy, approving budgets, and raising revenues.

OLO receives its assignments from the nine elected members of the County Council, which annually adopt a Council Resolution that sets forth the Work Program for the office. For each assignment, OLO prepares a written report that provides information. These reports are publicly released by the Council and are available online. Reports include recommendations that are generally specific to how the Council or County Executive can implement laws, regulations, policies, and programs for these assignments. Included in the Fiscal Year 2020 Work Program of the OLO is a request to study sensory friendly and Autism friendly designation:

<https://montgomerycountymd.gov/HHS-Program/Resources/Files/A&D%20Docs/DDAC/FY20WorkProgramandSignedResolution.pdf>.

Leslie is currently drafting the report and is reviewing Autism and how Autism impacts individuals, sensory and sensory-processing issues, the various organizations that designate businesses or places as Autism or sensory friendly, and the criteria used to obtain those designations. There is no single standard used. Each organization has determined their own criteria. Some charge a fee while others do not. For example, The Center for Autism and Related Disabilities at the University of Southern Florida does not charge a fee. Mesa, Arizona was recently designated as the first Autism certified city in the United States by an organization called International Board of Credentialing and Continuing Education Standards (IBCCES). Marc Garcia, Visit Mesa's CEO, ignited the effort after his 6-year-old son's Autism diagnosis. His initial idea was to make Mesa Autism friendly in the context of tourism. In working with the tourism community, all sorts of businesses jumped on the bandwagon. IBCCES decided to designate Mesa as an Autism friendly certified city due to the magnitude of businesses and organizations that received certification. More information:

https://ibcces.org/blog/2019/11/18/mesa_first_autism_certified_city/.

Beth Shuman, Senior Legislative Aide, Office of Councilmember Gabe Alborno, reported Councilmember Alborno suggested that this proposal be modeled in the same context as the County's age-friendly initiative which is designed to enhance the County as a wonderfully diverse *Community for a Lifetime* -- a place where all residents can age, thrive to their full potential, and contribute as a powerful resource in making our County a better, stronger, more inclusive community for everyone. More information:

<https://www.montgomerycountymd.gov/senior/age-friendly.html>.

Leslie asked for general input from this Committee on Autism and sensory designation or information related to those disabilities. She added her recommendations to the Council will include more than the Council's involvement and will include the Executive Branch in order to talk with the business and non-profit community.

The floor was open to questions.

David Rice, Commissioner, is a Disability Portfolio Strategist in the Office of Equity, Diversity, and Inclusion at the National Institutes of Health (NIH). For the past year, NIH has established sensory-friendly rooms for events and standard operating procedures based on collective best practices from other federal agencies. He will share these resources with Leslie. David added that one of the biggest challenges with event management is educating staff why the sensory-friendly modifications are needed. He suggested an educational component be included with the designation. Leslie said that the majority of organizations that provide sensory-friendly or Autism-friendly designations emphasize staff training in their standards. Many organizations focus on businesses and venues rather than specific events and training their staff on how to work with people who have sensory issues or Autism.

Commissioners can reach out to Leslie if they have further questions or comments.

Street Safety and Inclusion of Communities with Various Abilities – The Honorable Evan Glass, Councilmember, Montgomery County Council, Health & Human Services (HHS) Committee and Transportation & Environment (T&E) Committee

Councilmember Glass is an at-large member that represents all County residents. He began his first-term with the Council in December 2018. He acknowledged that he and Seth have engaged in several conversations about improving the County's transportation, pedestrian and bicycle infrastructure. Councilmember Glass said our infrastructure needs to be ADA compliant and recognized the growing and different needs of our residents. Montgomery County strives to be as inclusive as possible.

Last year, Councilmember Glass sent a memo to his Council colleagues requesting a joint committee meeting of HHS and T&E to discuss the transportation needs of older adults, people with physical disabilities, and people with developmental disabilities. The Committees learned through oversight capacity that there is good work being done, but departments and agencies were not communicating with each other or coordinating their efforts. More importantly residents are not fully aware of services available to them. The meeting ended with a new resolve to make the system better. The Council will be having follow-up meetings to discuss either improving or expanding services. Councilmember Glass is working with Councilmember Albornoz who is very committed to these issues as well.

Councilmember Glass reported in 2019 the County had 13 deaths on our roads and nearly 580 incidents involving pedestrians and bicyclists. As of today, in 2020 the County has had 3 deaths on our roads and nearly 58 incidents involving pedestrians and bicyclists. A memorial service was held this past Saturday for two individuals who were killed trying to cross Rockville Pike in previous weeks. One of the individuals was a young man who had Autism. Councilmember Glass said this is an all too common story and is unacceptable.

In November 2017, County Executive Leggett released a two-year plan to make progress towards the objective of Vision Zero to significantly reduce and even eliminate fatal and severe injury accidents to pedestrians, bicyclists, and motor vehicle users by 2030. Plan: <https://www.montgomerycountymd.gov/DOT-PedSafety/Resources/Files/PBTSAC/04-MCVZ2YActionPlanV2.pdf>. Councilmember Glass acknowledged that the program name Vision Zero may be offensive to individuals who have low vision or are blind. The name is a national term. The plan identified 41 discrete actions in the categories of engineering, enforcement, education and training, traffic incident management, and law, policy, and adequacy. As of a few weeks ago, some of these actions had been achieved. One of the actions was to hire a Vision Zero coordinator. Wade Holland was hired at the end of January 2020 as the new fulltime coordinator of the County's Vision Zero plan. Wade will oversee implementation of this plan, promote Vision Zero throughout the county, and connect all of the different agencies and departments in County government, including Montgomery County Public Schools and Montgomery County Police Department, as well as a number of other agencies, to make our roadways safer. Councilmember Glass

has tasked Wade with reporting back to the Council if he makes progress or if he encounters any roadblocks. The plan has ten actions that are still unresolved.

The Council held a town hall meeting on February 9th at Wheaton High School. They heard across the spectrum from residents who want better infrastructure, more ADA compliance, and concerns about floating bus stops. There were also some attendees who think the best way to solve the issue is simply to hand out reflective vests and for pedestrians to not wear dark clothing.

The floor was opened to questions.

Seth said one of the issues this Commission has been dealing with is the design of the floating bus stops. This Commission would like to see installation of these bus stops stopped until the County can figure out a better and safer design for pedestrians as well as bicyclists. Also, there are neighborhoods throughout the County that have no sidewalks and children are walking to school along with traffic in the street. Councilmember Glass said there has been a long-standing regulation in Montgomery County that for sidewalks to be installed there needs to be majority support in that community. Therefore, older communities that were not originally built with sidewalks may only have sidewalks in certain parts. After hearing from residents at the Wheaton town hall about the need for safer infrastructure, he wants to put an emphasis on public safety and mobility and have that regulation updated so that sidewalks are mandated. Several other Councilmembers share this sentiment and they will be working on those changes in the coming year. When regulatory changes or legislation is introduced, Councilmember Glass will be coming back to this Commission and asking for our support. Not everyone wants sidewalks, but it is what our times demand.

Trish Gallalee, Vice-Chair, said oftentimes bus stops are placed in the center of a street so they can serve either corner, but that is not where crosswalks are located. Twinbrook Parkway is an example of this situation. There are a number of apartment complexes located there and often people are running across the street with no crosswalk at all. One of the bus stops is located on a side of the street that is not near the apartment complexes. Trish suggested the County rethink where these bus stops are located. Councilmember Glass said in December 2019, an 81-year old woman was killed cross University Boulevard from her apartment in Wheaton trying to get to the bus stop because the crosswalks to get to that particular bus stop were two blocks in either direction. University Boulevard is no different than any of the countless roads, streets and avenues in this County and it is a real problem. He has asked OLO to conduct an analysis of the County's bus routes and bus useage to see how it needs to be changed and making sure the County is providing service to everyone who needs it. There are many communities that have been built in the last two decades that have no access to public transportation. Councilmember Glass discussed the County's Ride On Flex pilot program, an on-demand bus service where riders use a transit application (app) on their personal smartphone to request bus service within a well-defined geographical zone. Pick up locations are pre-selected from a drop-down menu. The pilot project is focused on two small zones to test the concept – Rockville and Glenmont/Wheaton. The goal is to improve mobility in current underserved areas of Montgomery County; connect residents to nearby Metrorail stations and activity centers within their neighborhood; improve ridership on other Ride On, Metrorail, and Metrobus routes; possible expansion of the microtransit model to other underserved areas of Montgomery County; and using microtransit as an alternative to route elimination for low-performing routes. Councilmember Glass said the pilot has been successful. For more about the program, visit <https://www.montgomerycountymd.gov/dot-transit/flex/>. Councilmember Glass has reached out to Wade about the concerns regarding floating bus stops. Silver Spring is an infrastructure that continues to be modified. At the floating bus stops in downtown Silver Spring, additional railings are being installed along with flexible curb delineators to help pedestrians understand when they are getting on to the road or sidewalk. He said the Department of Transportation (DOT) may have been excited to implement a new form of infrastructure and transportation without having conversations that they should have had. Whenever future infrastructure changes are made, it should be done in a more thoughtful way.

Seth said that one of the issues is that plans were implemented without considering this Commission's input. He asked how these changes are being vetted by persons with disabilities to make sure they are adequate. Seth would like to have this Commission involved in those projects during the design phase. Trish added that this

Commission has been in discussions with DOT for over a year and half and has sent several letters with recommendations and concerns. DOT has not engaged with this Commission. Councilmember Glass agreed and said DOT needs to understand the needs of everyone in the community, not just a subset of the population. He will have DOT's outreach staffperson contact this Commission about having future designs vetted by persons with disabilities.

Councilmember Glass said he learned from this Commission that service animals cannot distinguish colors and they cannot identify bicycle lanes that have been painted green. The color used to delineate bicycle lanes comes from federal DOT regulations. Councilmember Glass offered to lead an effort and contact Congressmembers Raskin, Trone or Sarbanes and enlighten them about the issue. He added that DOT is responsible for infrastructure including Bicycle and Pedestrian Priority Areas (BiPPA) that cover Glenmont, Grosvenor, Silver Spring, Viers Mill, and Wheaton. There are budgetary line items to show much funding is going into that infrastructure. Last year there was one pot of money for all five projects. This year each area has one funding delineation so the County can track funds.

Charlie Crawford, former Commission Chair, said the environment was expressly created for the purposes of pedestrians and installed sidewalks that everyone could utilize. Floating bus stops have created a difficulty for pedestrians trying to cross the street. Scooters and bicyclists are prohibiting a pedestrian's ability to walk freely. There is a real impact to the community. Charlie suggested that DOT install bicycle lanes in the middle of the street, like they have done on Pennsylvania Avenue in DC. There the intersections have lights to identify the right of way for both pedestrians and bicyclists. Pedestrians can go straight across the crosswalk and bicyclists can go straight or turn left or right. While this method may not work everywhere, it could work between Spring Street and Colesville Road. It would be less of a worry for both bicyclists and pedestrians. Betsy Luecking, Staff, added that Baltimore City has also installed bicycle lanes in the middle of the street. Councilmember Glass said that in many instances, the County has to work with the State Highway Administration (SHA) which has jurisdiction over many of the County's roadways. For example, the County does not have the ability to install a crosswalk on Connecticut Avenue if deemed necessary. The County would have to go before SHA. Most of the infrastructure the County has installed or updated has been done on side roads. Fortunately, SHA has recognized that downtown Rockville, Gaithersburg and Bethesda can no longer be treated the same as rural Frederick or Carroll County. The original design concept was to incentivize vehicles to speed down the roads. The Council received a briefing from SHA in November last year and they stated their new philosophy to reclassify the state into six different zones based on those roads' needs. Montgomery County, except for the agricultural reserves, will be viewed as an urban core and SHA will be updating their road standards to recognize that pedestrians should be protected when crossing the street, and not about how many cars are at that intersection. Councilmember Glass will follow-up with this Commission once those new rules and regulations are announced. He hopes these new guidelines will allow for a new partnership and creative ways of thinking.

David Rice, Commissioner, asked if the County could include accessibility improvements when infrastructure updates and renovations are made. David said the challenge is ADA compliant doesn't necessarily mean accessibility. Councilmember Glass said with Chris Conklin in place as the new Director of DOT that hopefully there is a new mindfulness when it comes to design and implementation. Councilmember Glass added in regard to construction, Councilmember Andrew Friedson has introduced [Bill 38-19 - Streets and Roads - Permit to Obstruct Public Rights-of-Way – Amendments](#) to increase pedestrian safety, and to assure that public sidewalks and walkways may be closed only for the minimum time periods necessary with minimum disruption and inconvenience to the public. Councilmember Glass will share David's suggestions during their next worksession.

Neal Carter, Commissioner, said Wade Holland recently testified before the County Council stating that he has met with this Commission. At this point, he has not. Neal added that when conversations are being held about Vision Zero that the disability community be included and not just the transit and bicycle community. Councilmember Glass has tasked Wade with going out into the community and meeting with every civic association, Commission, Board, Committee and faith group to get input about their concerns in their community. He will contact Wade after this meeting about coming to meet with this Commission.

Richard Shermanski, Commissioner, asked if the Vision Zero 41-point strategy had a time frame to be implemented and if those strategies are subject to change. Councilmember Glass said the plan is to eliminate traffic fatalities and severe injuries by 2030. The 41-point strategy plan was approved and ratified by previous elected officials. Councilmember Glass will send an update to the Commission about which strategies have been implemented, which are currently ongoing, and which have not been worked on. Richard also asked about the County Council looking into dismantling the bicycle registration law. For background, it is currently illegal to own and ride a bicycle in Montgomery County if it is not registered. The law was implemented in the 1980's as a means to return the bicycle to the owner if it was stolen. It was recently captured on video that law enforcement were selectively using this law. Councilmember Glass is a lead sponsor for [Bill 2-20 – Bicycles – Registration – Amendments](#) that would permit voluntary registration of a bicycle owned by a County resident for personal use. Richard asked how law enforcement would identify a bicyclist who has potentially injured a pedestrian if registration is not a requirement. Councilmember Glass said that is a great question and the Council is holding a worksession soon to discuss this bill. He will follow-up with Richard.

Commissioners can contact Councilmember Glass with further questions and input.

Legislation Update – Neal Carter, Commissioner, Legislative Subcommittee Chair

Neal presented bills of interest in the Maryland General Assembly for Commissioners to review.

[HB312/SB473 – Discrimination in Employment – Reasonable Accommodations for Applicants with Disabilities:](#)

Prohibiting an employer from failing or refusing to make a reasonable accommodation for the known disability of an otherwise qualified applicant for employment; and expanding a certain undue hardship exception for employers regarding providing a certain reasonable accommodation to include certain qualified disabled applicants for employment.

[HB184/SB783 – Special Education – Judicial Actions – Attorney's Fees and Related Costs:](#) Authorizing a court to award attorney's fees and related costs to the parent of a child with a disability who is the prevailing party in a certain special education proceeding; prohibiting a court from awarding attorney's fees and related costs to certain parents in a certain proceeding under certain circumstances; and authorizing an award of attorney's fees and related costs to a parent of a child with a disability who is a prevailing party under certain circumstances.

[HB231/SB530 – Housing Opportunities Made Equal Act.](#) Betsy noted that Montgomery County already has this law enacted. The localities listed in the bill, including Baltimore City, do not and have fought against it.

[HB10/SB44 – Public Buildings – Changing Facilities – Personal Care for Adults:](#) Requiring, except under certain circumstances, that changing facilities suitable for changing the diaper of a child and providing personal care for an adult be installed in certain public restrooms in certain public buildings by October 1, 2020; requiring certain entities to report to 2-1-1 Maryland, Inc., the location of changing facilities when changing facilities are installed; requiring 2-1-1 to maintain a list of changing facilities on its website; requiring the Board of Public Works to adopt certain standards; etc.

[HB142 – Election Law – Voting Order Priority – Individuals Who Need Extra Assistance:](#) Requiring a chief election judge to give voting order priority to individuals with mobility problems and individuals accompanied by a young child or a child with a disability; authorizing certain individuals to request voting order priority of any election judge serving at a polling place; requiring the chief election judge to determine whether certain individuals qualify for voting order priority based on criteria established in regulations adopted by the State Board of Elections; etc.

[HB255/SB547 – Health Care Facilities – Hospitals and Related Institutions -Discrimination Protections:](#) Altering the actions with regard to which hospitals and related institutions are prohibited from discriminating against individuals on certain grounds to include the treatment or procedure sought by the individual under certain circumstances; altering the characteristics of an individual on the basis of which hospitals and related institutions are prohibited from discriminating against the individual in certain actions; etc.

[HB320/SB702 – Criminal Law – Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence](#): Altering the definition of "undue influence" for purposes of provisions of law prohibiting the exploitation of certain vulnerable adults or individuals at least 68 years old; requiring a court, in determining whether a transfer of property was induced by undue influence, to consider certain factors; and applying the Act prospectively.

[HB477 – Estates and Trusts – Guardianship of the Property of Disabled Persons – Court-Appointed Attorneys](#): Requiring the State to pay reasonable attorney's fees incurred in representing an alleged disabled person who is indigent in a petition for the appointment of a guardian of the property of the person; and requiring the court, under certain circumstances, to appoint, for the alleged disabled person, an attorney who has contracted with the Maryland Department of Human Services, subject to a certain exception.

[HB158 – Vehicle Laws – Equipment and Inspections – Standards and Requirements](#): Altering for vehicle operation and inspection purposes the standards for the authorized placement of certain materials on certain windows of certain vehicles; prohibiting the use of certain equipment on a highway under certain circumstances; altering certain standards and requirements governing headlamps, stop lamps, turn signal lamps, light or signal devices, backup lamps, brakes, and windshield washers on certain vehicles; providing for the construction of a provision of law that authorizes enhanced window tinting on a vehicle; etc.

Developmental Disabilities Legislative Update – SB796 – Developmental Disabilities Administration (DDA) – Program Changes and Required Reports - John Whittle, Commissioner, and Tom Liniak, Commissioner and JSSA Agency Representative

Handout: <https://montgomerycountymd.gov/HHS-Program/Resources/Files/A&D%20Docs/DDAC/SB796DDAProgramChanges.pdf>

To address the concerns, Senator Guy Guzzone and Delegate Bonnie Cullison have introduced legislation that:

- Delays implementation of the new service definitions and LTSS to July 1, 2021;
- Requires DDA to ensure that people and providers are not adversely impacted;
- Ensures that people who take action within 30 days to appeal a loss of Medicaid eligibility, maintain their services during the appeal process; and
- Requires a number of reports from DDA to the General Assembly to ensure that the system, rates, communication, back up plans and training are all in place in order to facilitate a smooth transition in which neither people with developmental disabilities nor providers are hurt.

Beth reported Councilmember Alborno is working to get support from all the Councilmembers for this bill. Councilmember Alborno is also planning to testify. There have been meetings with Susan Hartung and Michael Greenberg to develop a plan on how everyone will work together.

Tom Liniak, Commissioner, said that with the current proposed rate structure employment providers are at risk to lose 25% to 40% of their revenue providing services. As these providers are not running a 40% profit they will have to reduce their client base.

Larry Bram, Commissioner, reported that his daughter received a marketing cold call about an adult day program she qualifies for based on information that is listed in LTSS. The provider was able to do a search in LTSS for certain Medicaid recipients and gain access to their name, phone number, birth date, the last four digits of their social security number, Medicaid number, type of Medicaid, and services currently received. Larry notified DDA and Nicholas Burton, Regional Director, DDA Southern Maryland Regional Office, about the privacy and HIPAA issue. Beth suggested that the County Council also investigate this issue as this information could be abused.

Chair and Vice-Chair Report:

Seth reported WMATA has released its proposed FY 2021 budget and is holding public hearings. Proposed Budget: www.wmata.com/about/records/public_docs/upload/FY2021-Proposed-Budget_Final-Book_Digital.pdf.

Trish reported that July 26th, 2020, will be the 30th Anniversary of the signing of the ADA. Betsy reported Carol Beatty, Secretary, Maryland Department of Disabilities (MDOD), and Karen Goss, Mid-Atlantic ADA Center, are currently planning an event. The Commission will partner with them. Beth announced the County Council will also want to be involved.

Ex-Officio Member Updates:

None.

Announcements:

Charlie announced that the U.S. Department of Transportation is seeking public comment on proposed amendments to its Air Carrier Access Act (ACAA) regulation on the transportation of service animals by air. For more information, visit <https://www.transportation.gov/briefing-room/us-department-transportation-seeks-comment-proposed-amendments-regulation-service>.

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

**Montgomery County Commission on People with Disabilities
March 2020 Meeting and Events Calendar**

Monday, March 9th

Developmental Disabilities Advisory Committee

Rockville Memorial Library, 21 Maryland Avenue, 2nd Floor Meeting Room, Rockville

Wednesday, March 11th

Full Commission Meeting

6:00 p.m. to 7:30 p.m.

EOB – 101 Monroe Street, Lobby Level Auditorium, Rockville

Wednesday, March 18th

Steering Committee Meeting

5:30 p.m. to 7:00 p.m.

HOB – 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville