



Commission on People with Disabilities

January 8th, 2020

Welcome and Approval of December 2019 Meeting Summary Minutes:

Seth Morgan, Chair, convened the meeting. A motion was made to approve the December, 2019 Meeting Summary Minutes. The motion was seconded. A vote was taken, and the December, 2019 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

HHS Committee Perspectives on Issues Impacting People with Disabilities – The Honorable Gabe Albornoz, Councilmember & Chair of Health & Human Services Committee, Montgomery County Council

Councilmember Gabe Albornoz is familiar with the Commission's work over the years and extended his gratitude for its public service. The work of this Commission is noted, appreciated and very much respected. Councilmember Albornoz was born and raised in Montgomery County. His parents emigrated from South America and he has lived in Gaithersburg, Silver Spring, Bethesda, and now Kensington with his wife and four children. Prior to joining the Council, he served as Director of the Department of Recreation (DR) for 12 years.

Councilmember Albornoz acknowledged Beth Shuman, Legislative Senior Aide, who staffs the Council's Health & Human Services (HHS) Committee. He also acknowledged Linda McMillan, Senior Legislative Analyst, who has been the staff liaison to the HHS Committee and who has helped to ensure a seamless transition with a record number of new councilmembers last year.

In his first year Councilmember Albornoz has learned all issues – whether it is transportation, education, economic development – are all connected. He has also learned that the County has a remarkable infrastructure within our social safety net. Serving as Chair of the HHS Committee, every week through worksessions and subcommittees he learns more about not just the acute need that we know is growing in the county but also that we have a fairly strong infrastructure in place from a public, profit, and non-profit standpoint to try and address those needs.

Councilmember Albornoz acknowledged that so much of the work of the Council and the county in general is often dictated by the budget process. The County simply does not have the amount of resources necessary to meet the growing needs of our community. Tax revenues continue to not keep pace with the need. The County Council and the County Executive are very much focused on economic development issues to bring in more revenue to address the growing needs across the County. The County Council received an update prior to the holidays that the County could be facing a revenue shortfall of \$99.8 million for fiscal year 2021 (FY21). This could be a difficult budget process for FY21 given that the Montgomery County Public Schools (MCPS) budget is projected to be \$80M more than last year. There will be challenges ahead with balancing the budget. Councilmember Albornoz said the County is working on innovative changes to help leverage resources and County Executive Elrich has initiated a Turning the Curve Model with departments going through a rigorous process of evaluating and assessing their current programs. The County is also in the process of revamping its grant process

to consolidate County Executive and County Council grants. The County is working towards developing a grant office to be in a better position to address the needs of non-profit organizations and to find and leverage additional third-party funding sources including the federal government.

Councilmember Albornoz is Chair of the HHS Committee joined by Councilmember Craig Rice who is in his third-term and represents the northern part of the county, and Councilmember Evan Glass who is in his first-term as an at-large member. Both Councilmembers have been remarkably committed to addressing the needs of our most vulnerable populations and together they have all worked diligently to try and get a better sense of what is going on in the community and what more can be done to address the needs of our residents across the board.

Councilmember Albornoz will be moving forward with an initiative for a sensory-friendly county. The Council has asked the Office of Legislative Oversight (OLO) to investigate how the County can be more sensory-friendly across the board. OLO will be presenting that report to the County Council soon. There are national organizations that provide some level of certification to local jurisdictions and provide policy and training as well as educational opportunities and grants to help ensure businesses and communities are more sensory-friendly. Councilmember Albornoz has also been interested in the issue of early identification issues, brought forward to him by Avner Shapiro and Larry Bram specifically related to Autism. The Council is very interested in pursuing this issue legislatively if necessary to work with our provider community to ensure early assessment and evaluation and provide resources as early as possible to provide support for families.

Another issue that is of grave concern to the Council is Vision Zero. Councilmember Albornoz does not think there has been enough emphasis on the unique needs of the disability community across the entire county. With the advent of social applications such as Google Maps and Waze, the County is seeing more traffic on local roads than before and with deadly consequences. There has been great disruption to local roads and to Wisconsin Avenue and Connecticut Avenue due to the amount of construction in Bethesda and that is also having an impact on the County's ability to provide safe transportation methods just for people to be able to walk across the street.

Councilmember Albornoz is gravely concerned with the introduction of e-scooters. When the Council had a meeting with the former Director of the Department of Transportation (DOT) about piloting this initiative, Councilmember Albornoz said there was no discussion with the Council about implementation and there was not enough outreach to the disability community. The Council was able to significantly scale back the initial proposal for the pilot program that was implemented. The Council ensured in writing that these e-scooters would not be allowed on sidewalks and restricted their maximum speed to 15 mph. The Council will be receiving a briefing this spring on this pilot initiative. There has been documentation of numerous collisions and a significant increase in emergency room visits. Councilmember Albornoz personally has a lot of concerns about e-scooters as he was almost hit by one in downtown DC. He said he was fortunate that he was able to dive out of the way, but if it had been someone with a child, an older adult, or someone with a disability they would not have been so fortunate. There is also the issue of e-scooters being left on sidewalks with very little accountability and particularly a tripping hazard for people who are blind or who have mobility limitations. It is challenging as no one knows what the rules are because we are making them up as we go and the education is minimal. E-scooter riders are also not required to wear helmets. The Council will be focusing on transportation and Vision Zero in the upcoming year. The County Council was able to restore funding for non-profit agencies that serve people with developmental disabilities to help supplement the compensation of direct service workers. Councilmember Albornoz understands there were challenges even before the minimum wage went into effect, but non-profits are still struggling to meet the growing

demands of what is a complex but critically important issue. The County is in the process of working with the Maryland Developmental Disabilities Administration (DDA) to help clarify policies and implementation of the reimbursement rates. This will help the County decide how it will impact the operating budget moving forward.

As former Director of DR Councilmember Alborno understands how recreation-based programs and services, and libraries, provide respite opportunities not just for the participants but for the families as well. He understands how exhausting the work of care providers can be and strongly believes that our county services and agencies need to have the budgets necessary to fulfill the unique needs of our disability community. The budget for DR still needs to be an area of focus. During Councilmember Alborno's first four years as Director of DR the budget was cut cumulatively over three years by 34%. DR has been slowly building back to pre-recession levels, but that was 14 years ago and the DR's budget is still not there yet.

The floor was opened to questions.

Seth said the issue of floating bus stops and bicycle lanes are a real problem for persons with disabilities. The Commission has asked for a moratorium on their development in order to address safety concerns. Councilmember Alborno said Councilmember Glass, at his request, had a joint committee worksession between the HHS Committee and the Transportation & Environment (T&E) Committee to discuss transportation issues and how they impact our people who are aging and / have a disability. Councilmember Alborno said the bike master plan as a whole is an important document to move us forward as a community, but not if it is at the expense of an increased risk to a very important segment of our community. He cannot speak specifically to a moratorium, but as a result of the worksession that occurred prior to Thanksgiving, a number of questions were generated and they are expecting responses from the Montgomery County Planning Board (MCPB) this spring. Councilmember Alborno noted that the Council shares this Commission's concerns. Bicycle lanes and floating bus stops will clearly have to be addressed if they are to be implemented well. Seth said that the Council has heard their concerns about floating bus stops from a disability perspective, but they can also be dangerous for bicyclists. Councilmember Alborno agreed. The Action Committee for Transit (<http://actfortransit.org/>), which is a local advocacy organization, tweets the County every day about vehicular, pedestrian and bicycle collisions. It is a systemic issue.

Trish Gallalee, Vice-Chair, addressed a pedestrian safety and lighting issue along Twinbrook Parkway. There are street lights along the side with the trees, but no street lights along the side with apartment complexes. She also noted an issue concerning lack of lighting at a floating bus stop in downtown Silver Spring. At last month's Commission meeting, a resident who has low vision and uses a service animal said that bicyclists cannot see her service animal who has black fur due to no lighting and this puts her and her service animal at risk. Trish has concerns about parking lanes placed next to bicycle lanes where the driver of the vehicle has to exit out into traffic. She has noted how narrow the traffic lanes have become and how a Metrobus can be very close to the parked vehicles. She suggested changing the bicycle lanes to be next to the path of traffic as there is much less of a risk of a driver being hit by a bicyclist when exiting their vehicle. MetroAccess vehicles are also not able to deliver passengers to the curb due to bicycle lanes and this is putting those passengers at risk for being dropped off in traffic or in the bicycle lane or not being dropped off at all at certain locations.

Councilmember Alborno said he has had frustrations over "pointing of fingers" about which roads are managed by the county, state or municipalities. After a briefing by the Maryland Department of Transportation, there is now a more practical understanding that there cannot be a cookie cutter

approach across the entire county. Maryland State Highway Administration (SHA) is committed to finding more common-sense solutions, and this has been a focus of the County Executive and the previous County Executive. He also commended Betsy Luecking as a hard working public service worker and has had a working relationship with her regarding disability access needs.

Eric Cole, Commissioner, suggested that as the county develops pedestrian safety solutions to include individuals who have low vision or are blind, and individuals with intellectual and developmental disabilities. He also suggested reviewing objects that are placed in the path of travel on sidewalks. If you are a pedestrian who uses a wheelchair or a service animal you need extra space to walk.

Neal Carter, Commissioner, said that the Vision Zero program excluded the disability community. He has an issue with the name when no one who has low vision or is blind is a part of the conversation and that able-bodied people are using the hashtag as their own. Neal asked if the Council e-scooter briefing will be open to the public and/or available to listen to online. Councilmember Alborno said the DOT briefing will be before the full County Council. All Councilmembers have similar questions and concerns about the program. If this Commission has questions or thoughts, they can be e-mailed to Councilmember Alborno and he will incorporate them into the briefing.

Betsy Luecking, Staff, suggested renaming Vision Zero to Vision 2020 to show we are looking to the future with our eyes wide open. She also suggested alternatives to installing bicycle lanes in urban areas and instead install them in areas where the bicyclist can take bus transportation to their destination and place their bicycle on the bus. Betsy said she was almost hit by a car near White Flint one evening while trying to get into her vehicle because the bicycle lanes have made the traffic lanes too narrow.

Stanley Fricke, Public Member, noted that DOT does not have a specific seat for a person with a disability on their planning committees. He suggested having persons with disabilities included on the committees that are involved in design projects. Otherwise, the County is having to spend money on retrofitting or redesigning projects after they have been completed. Stanley also suggested having design projects tested by professional groups prior to being used by the general public. He also asked why the police cannot give tickets to e-scooter users. Stanley added that microtransportation will only become more prevalent over the upcoming years. He suggested that the Commission ask for a certain percentage of those vehicles to be reserved for people with disabilities. Councilmember Alborno thanked Stanley for those suggestions. He said he wants this Commission or some other entity to have a more defined and consistent role during the planning and master planning process.

Day Al-Mohamed, Commissioner, reiterated the idea of having a person with a disability or several persons with various disabilities on DOT and planning committees. Day also reinforced the idea of microtransportation. She stated that there are several studies about e-scooters from across the country (specifically Austin, Texas; San Francisco, California; and Cincinnati, Ohio) that the County can review for information on best practices. Day added that San Francisco incorporated into their plan that a percentage of microtransportation be applied for those with disabilities. She said one reason this Commission feels so strongly on this topic is many Commissioners have reviewed these studies and it appears that DOT has not. Day is interested in the e-scooter briefing, especially the data that was evaluated. She noted that the data given in the review of the DC e-scooter study was not very detailed. Councilmember Alborno said the County Council has looked at the studies developed by other jurisdictions. He noted that Austin, Texas has decided to scale back their e-scooter program, mostly from push back from the insurance companies. He added that the county delayed implementation of the e-scooter pilot program due to the Maryland bill that classified e-scooters in the same categories as

mopeds so that there was at least some law that police could enforce. Councilmember Alborno said he is not opposed to scrapping the e-scooter program altogether.

Seth reported he attended a luncheon meeting at the MCPB in October along with Commissioner Avner Shapiro and Betsy. Seth gave feedback about their planning process and pedestrian safety concerns regarding multiple types of disabilities. While MCPB listened to these concerns, they ultimately said they will continue to plan installing bike lanes and floating bus stops.

John Whittle, Commissioner, asked if the County's developmental disabilities supplement for providers would be funded for the upcoming fiscal year. Betsy noted that the County funded \$17.5M last year for the supplement. Councilmember Alborno said the County Council is waiting for the County Executive to transmit his FY21 operating budget in March. The County Council is hoping for full funding and remain committed to working with the Executive Branch to provide the resources needed to provide the support they know is so critically necessary. Councilmember Alborno acknowledged that it is a real challenge for service providers to recruit and retain employees with the current pay rate, even at minimum wage which is higher in Montgomery County than other jurisdictions. John said service providers are concerned about potential cuts due to the impending DDA rate study.

Avner thanked Councilmember Alborno for his leadership on the issue of improving early intervention for infants and toddlers. Seth thanked Councilmember Alborno for his advocacy and for being supportive of the issues this Commission has addressed.

Chair and Vice-Chair Report:

Seth reported he will be attending a joint meeting held by the Maryland Commission on Disability and the Maryland Alliance tomorrow in Baltimore. The meeting will discuss the current legislative session.

Seth reported he has discussed going to Annapolis with Councilmember Alborno to discuss some of the issues addressed tonight. He asked Commissioner David Rice to write up his perspectives on pedestrian safety issues as it relates to the deaf and hard of hearing community.

Trish reported she attended Councilmember Glass' Vision Zero Town Hall on December 17th. Trish said it was an incredible experience as the DOT, SHA and other agencies and organizations spoke at the beginning and were committed to staying as long as it took to hear from all attendees who wanted to speak. Trish was able to speak early on the town hall about pedestrian safety issues for persons with disabilities. Many attendees voiced their concerns about the 9-year-old girl who had been killed after being struck by a school bus in Bethesda on December 13th.

Trish also reported that some Commissioners, as private citizens, are considering filing a class action lawsuit in regard to the bicycle lanes and floating bus stops. Commissioners can reach out to Trish for more information.

Betsy scheduled a new Commissioner orientation for Wednesday, February 5th at 6 p.m. to be held at Health & Human Services, 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville, MD 20850. Please let Betsy or Carly know if you will be attending.

Ex-Officio Member Updates:

Charlie Butler, DR, announced summer camp guides will be released next week and registration begins January 21st. Financial assistance can be applied towards summer camp costs and individuals needing

financial assistance should apply now. Applications can be completed online, but documentation must be submitted to the Recreation Administration Office at 4010 Randolph Road, Silver Spring, MD 20902.

Eric reported Developmental Disabilities Day at the Legislature is scheduled for February 12th in Annapolis. You can register at www.thearcmd.org/dd-day.

Announcements:

Neal Carter, Commissioner, announced that the legislative session has begun in Annapolis and the Legislative Subcommittee will be active on items both in the Maryland General Assembly and on the Hill. Neal will send Commissioners alerts on legislation that pertains to various disability-related issues. The subcommittee will wait to address certain bills until cross-file day and will report again in April. Any Commissioners who are interested in joining the subcommittee should reach out to Neal directly. Seth added that this Commission cannot take positions or comment on state or federal legislation without approval from the County. Commissioners who want to make comments can do so as private citizens. Betsy said if there is legislation that this Commission would like to take a position on, she can file paperwork for approval from the Office of Intergovernmental Relations.

John announced the Maryland Department of Health (MDH) is currently rewriting Health General Article Title & "Disabilities Law" Sections 7-101 through 7-1301. The rewrite will include definition of disability, eligibility standards, state funding priorities, and state policy statements that could have a major impact on the service system. MDH plans to submit this rewrite to the Maryland General Assembly this session for passage.

Shelley Kramm, Public, reported that the sign at Hadley's Park has been removed and she asked the Commission to write a letter of support asking for the sign to be re-installed. The current sign says Falls Road Local Park. Shelley, a resident of Potomac, came up with the idea for a playground specifically designed for children with special needs after having difficulties with other playgrounds unsuited for the use of her daughter Hadley who has a disability. . As Shelley's daughter uses a wheelchair, other playgrounds were inaccessible due to surfaces, such as gravel and woodchip, that made the use of a wheelchair difficult. Shelley spent five years raising the one million dollars that was required to fund the playground. Seth asked Shelley to send Betsy an e-mail with the request and also suggested sending the request to Councilmember Alborno as well.

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

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

Wednesday, February 5th

New Commission Member Orientation

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

****Must RSVP to Betsy or Carly****

Monday, February 10th

Developmental Disabilities Advisory Committee

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

Wednesday, February 12th

Full Commission Meeting

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

EOB – 101 Monroe Street, Lobby Level Auditorium, Rockville

Monday, February 17th

Presidents' Day

County Observed Holiday - Offices Closed

Wednesday, February 19th

Steering Committee Meeting

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

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