



## **Commission on People with Disabilities**

July 15<sup>th</sup>, 2020

**\*\*MEETING WAS HELD VIA ZOOM \*\***

### **Welcome and Approval of June 2020 Meeting Summary Minutes:**

Trish Gallalee, Vice-Chair, convened the meeting. A motion was made to approve the June 2020 Meeting Summary Minutes. The motion was seconded. A vote was taken and the June, 2020 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at [www.montgomerycountymd.gov/cpwd](http://www.montgomerycountymd.gov/cpwd).

### **Update on Proposed Street Design - Steve Aldrich, Transportation Master Planner, Maryland-National Capital Park and Planning Commission, and Andrew Bossi, Senior Planning Specialist, Montgomery County Department of Transportation's Director's Office**

#### **Montgomery County Complete Streets Design Guide – May 2020 – Version 1.0:**

<https://montgomeryplanning.org/wp-content/uploads/2020/05/Montgomery-County-CSDG-Public-Draft-May-2020.pdf>

Steve Aldrich, Transportation Master Planner, Maryland-National Capital Park and Planning Commission (M-NCPPC), reported M-NCPPC Planning Board will be hosting a public hearing on July 23<sup>rd</sup>.

M-NCPPC continues to meet with organizations and have heard feedback on the guide. Sidney Katz, Council President, received a letter from Dr. Seth Morgan, Chair, which was then sent to Glen Orlin, Deputy Director, County Council, and Casey Anderson, Chair, M-NCPPC Planning Board. Steve reported M-NCPPC is aware of the issues noted in the letter and they are open towards working on resolving some of those issues.

The Complete Streets Design Guide does not go into great detail the design of floating bus stops, which is an evolving technology. Design details are provided in actual design projects. Staff have been communicating with other jurisdictions across the country who have successfully implemented these facilities. In the absence of a federal regulations for floating bus stops, the County is working to develop an improved standard that may ultimately become the federal standard. It is a challenge to design something that addresses all concerns.

Andrew Bossi, Senior Planning Specialist, Montgomery County Department of Transportation's (DOT) Director's Office, said Matt Johnson, Project Manager, DOT, has been working on the floating bus stop design located on Second Avenue near Colesville Road. This design has been a test bed and Matt has been working with various groups to make a design that works for everyone. This design has the potential to become the standard both locally and nationally.

Steve reported the State Highway Administration (SHA) has proposed installing a floating bus stop at the intersection of Georgia Avenue and Seminary Road. It will also be their first time designing a floating bus stop. They recognize that it is difficult to design without a federal standard and that it takes a lot of coordination. DOT and SHA are coordinating together on how to design the floating bus stops so they are safe for all users.

Trish said we live in a unique area with many international residents and residents with disabilities as well as disability organizations such as National Federation of the Blind and Columbia Lighthouse for the Blind that have chosen to base their headquarters in Montgomery County due to it's access to D.C. and the federal government.

People move to Montgomery County because of the incredible facilities, programs and services. The county's Design for Life Property Tax Incentive program and hiring initiatives have been copied across the country. Trish said best practices for floating bus stops and bicycle lanes copied from other jurisdictions may not be the best method given that areas like San Diego do not have the same weather, topography or traffic as this county. She does not think the concerns of this Commission have been considered.

Steve said the impetus for the floating bus stops started with the Bicycle Master Plan (BMP) which identified that the preferred bikeway type in urban areas would be a separated bicycle lane. M-NCPPC and DOT are moving forward with implementing the BMP. They are currently designing at least six or seven separated bicycle lanes in areas including Silver Spring, Wheaton, and White Flint. In suburbs, bicycle lanes are defaulted as a side path or shared path. When separated bicycle lanes are installed there are conflicts as there is a bicycle lane, pedestrians on the sidewalk, and travel lanes which can become problematic. As they implement projects they try to work through those issues and come up with the best solutions. Steve said many places on the west coast have implemented separate bicycle lanes and floating bus stops, but he cannot speak to whether they have been successful. He explained that floating bus stops are just one element of many other elements in the Complete Streets Design Guide to improve the pedestrian environment. The guide includes clearing sidewalks of obstructions and improvement of crosswalks and signals to provide better opportunities for pedestrians to cross the streets safely. Andrew added that the floating bus stop design is separate from the guide and is actively being designed in Silver Spring today. The design is continually changing based on feedback from the community. DOT is working to refine the design before it is installed in other locations in the county. They have discussed the design issues with the U.S. Access Board and have received feedback. The U.S. Access Board is watching how the county develops their design as it potentially could be the adopted federal standard.

Seth said this Commission has sent numerous letters with their concerns and he is frustrated that the installation of bicycle lanes has created safety issues for pedestrians. Steve said the Complete Streets Design Guide is a great opportunity to address issues and some of these issues may be unresolved from the BMP. Issues may also not have been known until the bicycle lanes were installed and one can assess how they are working. When discussing bicycle lanes and floating bus stops, he encouraged the Commission to focus on the parts that do work as well as addressing the issues. These two main designs are being implemented as a result of the approval of the BMP.

Trish said there is no accessible on-street parking at White Flint. The lanes have been made so narrow that she would be exiting into traffic with her wheelchair and service dog. This Commission has been very specific with their concerns and while she understands that the BMP has been approved by the County Council, this Commission was never included in the discussion or design process of the plan. She asked what the Commission could do differently to be heard. Steve said the comments this Commission has provided have been very useful. He suggested that the Commission confirm the suggestions in the guide that they approve. Perhaps that the guide doesn't address on-street parking is a critical flaw that should be added. If accessible on-street parking was included, more space for the parking spaces would have to be provided. Trish added that during a previous discussion, it was assumed that persons with disabilities exit vehicles on the passenger side, but this is not true. In fact, more accessible vehicles are being designed to allow the driver to exit from the driver's side. Steve said early in their study they reviewed accessible on-street parking, but it was not included in the final document. Andrew said standards of on-street parking spaces are under the direction of the state and accessible on-street parking is designated by just a sign. He understands the need for more accessible on-street parking and staff are working on a policy that may become part of a larger curbside management discussion. The standard should include more width on both the driver and passenger side as well as ramp access. Andrew will follow up with staff on this issue.

Seth said this Commission has sent at least five letters to DOT, M-NCPPC and the County Council that have documented and raised specific issues. The Commission is in favor of bicyclists and has noted that the current design is not safe for them either. Seth said the County should stop, take a moment to consider concerns, and work to make the designs as safe as possible. Otherwise, the County could have costly retrofits or accidents. Steve agreed that this is a great approach and the Commission should focus on advocating the designs be safe

for everyone and issues should be worked out prior to implementation. Andrew suggested the Commission reach out to BMP and Pedestrian Master Plan staff as well as DOT designers and Montgomery Planning Board staff as they can offer more details than what is provided in the guide. Steve noted that Casey Anderson is favorably inclined towards bicycle facilities. He also acknowledged that it's frustrating given that this Commission has written multiple letters. Beth Shuman, Senior Legislative Aide, Office of Councilmember Gabe Albornoz, said this Commission needs to be listened to and their input is key.

### **Status of Programs Serving People with Developmental Disabilities – John Whittle, Commissioner**

John reported Bernie Simons, Deputy Secretary, Maryland Developmental Disabilities Administration (DDA), is continuing to hold public webinars which are now on a bi-weekly basis. Previous webinars are available online: [https://dda.health.maryland.gov/Pages/Deputy\\_Secretary%27s\\_Webinars\\_on\\_COVID-19.aspx](https://dda.health.maryland.gov/Pages/Deputy_Secretary%27s_Webinars_on_COVID-19.aspx). Recent information from DDA focused on reopening. DDA's approach is not to direct providers on when to open, but to provide tools and strategies. One primary component is for each regional office to meet with providers across their region to develop reopening guidelines. Guidelines will vary by region.

Residential programs have not been closed during the pandemic. Most day programs closed in March with a few reopening to provide limited in-person services. Personal Protective Equipment (PPE) is still a concern for persons with disabilities, particularly those served by DDA programs. DDA has shared PPE supplies at no cost with providers statewide four times to help supplement the need. Montgomery County has also shared supplies with providers. John reported a joint state \$10 million funding availability for Behavior Health Administration (BHA) and DDA licensed non-profit providers of service to people with disabilities, for PPE and related cleaning supplies ([https://dhcd.maryland.gov/Communities/Pages/BHA-DDA-NOFA.aspx?fbclid=IwAR2qSJr\\_ae7SHHY5o0sMRFuY8edHNr5h-zQbuCb9JTqQDcrHv40iE-yAijl](https://dhcd.maryland.gov/Communities/Pages/BHA-DDA-NOFA.aspx?fbclid=IwAR2qSJr_ae7SHHY5o0sMRFuY8edHNr5h-zQbuCb9JTqQDcrHv40iE-yAijl)).

The main challenge now is maintaining the supply of PPE in group homes and day programs. PPE should be part of the normal stream of resources and supplies. John has spoken with several providers that have spent several hundreds of thousands of dollars of their own funding to purchase PPE. Some have held special fundraisers, but the need is ongoing. Many providers have had to reuse PPE. The availability of COVID-19 testing has increased within the last month although there continues to be a challenge of receiving results within a timely manner. There has also been increased availability of mask fit testing for providers.

DDA shared data last Friday on how COVID-19 has affected individuals served by DDA programs in the community: 399 tested positive for COVID-19 statewide. Of those, 202 individuals were served by the Southern Maryland Regional Office (SMRO). 14 individuals have died in the southern Maryland region. Separate figures for Montgomery County were not reported.

The 4% rate increase for providers started this summer. The billing system has not been configured yet to disperse, but DDA will implement it this fall and providers will be paid retroactively. Due to the economic and business downturn, the 4% rate increase remains in jeopardy month to month. Governor Hogan has proposed that budgets may be cut in January 2021 and the rate may not be paid the second half of the fiscal year. The Maryland General Assembly will have a large influence on whether this happens.

The Maryland General Assembly Office of Legislative Audits (OLA) released a report last summer on DDA. In that report, they concluded that DDA's accountability and compliance rating was unsatisfactory. In response DDA submitted a corrective action plan that included proper payments to providers, proper funding for consumers, proper collection of federal matching funds, and procurement issues. OLA reviewed DDA's plan of correction and have issued a follow-up review:

<https://www.ola.state.md.us/umbraco/Api/ReportFile/GetReport?fileId=5f061257a1ce581064943db7>. John expects another follow-up when the Maryland General Assembly meets this winter.

David Rice, Commissioner, asked if certain PPEs are more suitable for individuals that are working with individuals who have developmental disabilities. He understands research has shown that those individuals may need to see a person's face and react to emotional cues. He asked if those certain types of PPEs are being made

available to providers. John said there are some masks that are see-through, but in his experience with providers he has seen very few of them. He added that masks also present unique challenges as some individuals are reluctant to wear the mask. Betsy suggested contacting Dr. Travis Gayles, County Health Officer and Chief of Public Health Services, to see if the County is ordering face shields as well as masks. Beth said the County purchased and allocated supplies based on priority. Hospitals and clinics were prioritized first and developmental disability group homes are now included in that priority list. Beth will look into this issue tomorrow. David also asked if DDA or the County is working with the providers or other partners to manage and coordinate supplies. Karen Morgret, Commissioner, said Treatment & Learning Center (TLC) Executive Directors have working together and with the Inter-ACC/DD group to coordinate and support each other. Karen added that there are new challenges as employees begin going back to work. She shared an example of an individual in a supported employment program that used public transportation to go to work and he ended up testing positive for COVID-19. Karen is working with families because public transportation may not be a viable option right now.

Avner Shapiro, Commissioner, is concerned about the infection rate within developmental disability group homes. He asked what lessons have been learned and if testing will be more aggressive going forward. Beth said staff at developmental disability group homes often work at multiple locations and providers due to low salaries. It can be difficult for a provider to have staff tested in a timely manner or provide accurate contact tracing. Staff may be asymptomatic carriers of the virus. The front-line workers are very critical and there are too many variables that cannot be controlled. The County is very concerned and is pushing for changes. She said from the beginning there should have been a specialized team with a specialized response for congregate living situations. John said the medical teams deployed by Governor Hogan to assist nursing facilities were not sufficient or responsive to address outbreaks in group home settings.

Karen Goss, Commissioner, reported she works for the Mid-Atlantic ADA Center and is experiencing similar situations. She suggested the Commission create an ad hoc committee to identify issues. There may be a need to provide information and videos to families and individuals with disabilities. Karen has been in close contact with the Department of Justice (DOJ), which has not taken any stance on masks and is providing limited guidance. There are concerns about exceptions for individuals with disabilities who cannot wear a mask. The Mid-Atlantic ADA Center is currently developing information and guidance. The fact sheet is 11 pages long at this point as the issue is very complex. David said it is his understanding that if a person with a disability could not wear a mask due to their disability it was up to the employer, restaurant or provider to give them an alternative way of receiving services. It is also his understanding from the Equal Employment Opportunity Commission (EEOC) that a reasonable accommodation should be provided if there is an undue hardship or safety concern. It is frustrating to see individuals using a fake ADA card. Karen said COVID-19 has presented a unique situation and there is a safety factor involved. While there is an obligation to provide goods and services under Title II and Title III, there are layers of complexity due to the pandemic and concerns of contamination. Karen added that DOJ has not issued any ID cards. As the County opens up it would be wise to raise awareness of these issues that businesses may encounter. We have an opportunity to be proactive and provide education through various business chambers or County government.

Teri Roe, Commissioner, reported her son lives in a group home setting within Jewish Foundation for Group Homes (JFGH). Two staff stay at the house full-time for two to three weeks which provides some consistency. JFGH also provides masks for staff and participants. Simone Geness, Montgomery County Public Schools (MCPS), asked if participants are out in the community. Teri said they spend most of their day involved in online activities. They are only allowed outside on their cul de sac. They are not touching or seeing any other people. When she visits there are markers on the ground for them to maintain at least a six-foot distance from each other. Simone said this information is helpful as she works on getting TY20s into services. Some families have opted to pull their children out of services due to the uncertainty with COVID-19.

Odile Brunetto, Chief, Aging & Disability Services (ADS), reported a workgroup of developmental disability providers, A&D staff, and Public Health staff have been meeting to draft recommendations that will be submitted to Dr. Raymond Crowel, Director, Health & Human Services (HHS) next week. Recommendations involve high priority issues of PPE, testing, quarantine, and staff capacity. These recommendations will be further reviewed by

the County Executive and County Council. Odile reported developmental disability providers are able to purchase PPE at the same discounted price as the County. Providers also have access to an agency that provides mask fitting as well as a mask fitting trainer. Odile will share the recommendations with this Commission once they have been finalized

**Celebrating 30 years Since the Passage of the Americans with Disabilities July 26, 1990 and 42 years as a Commission – Trish Gallalee, Vice-Chair**

Trish discussed what life was like prior to the ADA – an individual could be denied employment based on their having a disability; individuals could be denied service in a restaurant; service dogs and guide dogs had limited access; individuals with a physical disability too often get on a bus or a train due to their inaccessibility; and there was limited access in general. She feels very fortunate to have grown up in Montgomery County. She was the first MCPS student to be in mainstream classes in the 1970s. Trish encouraged Commissioners to view [www.ADAAnniversary.org](http://www.ADAAnniversary.org) for videos and information.

Marybeth Dugan, Montgomery Parks (MP), reported MP partnered with Montgomery County Department of Recreation to host an ADA 30<sup>th</sup> Anniversary virtual dance event on June 30<sup>th</sup>. MP will be hosting a virtual ADA celebration event on July 26<sup>th</sup>. Councilmember Will Jawando will be reading a story about disability awareness and inclusion. There will also be many online activities for families to engaged in and stories from people about how the ADA has impacted their lives.

On the meeting agenda, Betsy included highlights of projects and legislation the Commission has worked on and advocated for over the years. For example, the Commission advocated for accessible buses prior to the ADA. She suggested that we include these highlights on the Commission’s website as well as send the list to the County Executive and County Council as a reminder of the partnership this Commission has had with the Executive Branch and the County Council. Beth said the Council will want to include these highlights in their newsletter.

**Chair and Vice-Chair Report:**

Trish reported the Commission will next meet on Wednesday, September 9<sup>th</sup>, 2020 via Zoom. Instructions to join the meeting will be included in the agenda.

**Ex-Officio Member Reports:** Tabled due to time.

**Announcements:**

Betsy reported James Dean, Ex-Officio Representative from the Maryland Division of Rehabilitation Services (DORS), has been hired by FEMA and will no longer be able to represent DORS on the Commission.

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

**Full Commission Meeting - Wednesday, September 9th**  
6pm to 7pm to be held via Zoom – link to be announced

**Developmental Disability Advisory Committee - Monday, September 14<sup>th</sup>**  
4pm to 5:30pm to be held via Zoom – link to be announced

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

