



## **Commission on People with Disabilities**

October 16<sup>th</sup>, 2019

### **Welcome and Approval of September 2019 Meeting Summary Minutes:**

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

### **National Disability Employment Awareness Month – The Honorable Marc Elrich, County Executive**

County Executive Elrich thanked the Commission for its work and advocacy, and for making a difference in Montgomery County. This year he is committed to making sure everyone has meaningful work. He stated that this is a personal issue for him as he has a foster son age 50 who has Down Syndrome and who still lives with him today. The son has worked in the past, but currently does not have employment. While his son has no perception of money, he has enough self-awareness to know that receiving a paycheck means he is valued and is working alongside his peers. He acknowledged that one of the challenges some people with disabilities have with finding employment is having the right support. He personally knows what a difference it can make in someone's life to have employment and the County is committed towards that effort. He wants to look to private sector businesses and thinks the County do a better job of hiring people with disabilities.

County Executive Elrich has spoken with many concerned residents about the pending Maryland Developmental Disabilities Administration (DDA) Medicaid Transformation and regulation changes taking place, especially regarding supported employment. The County will be meeting with agency representatives, parents, and state legislators to educate Maryland delegation on these issues and have them work as advocates for us in Annapolis. The County will follow-up the meeting and discuss these concerns with DDA staff about how the changes will affect the developmental disability community.

County Executive Elrich was at Sunflower Bakery recently and learned they may lose their ability to provide employment in a sheltered setting. He does not agree with DDA's new regulations and does not think DDA understands the struggles parents go through and that some people with disabilities do need support on the job.

County Executive Elrich acknowledged the need to encourage private employers in Montgomery County to hire people with disabilities. The County will be holding a meeting in the disability community to discuss what more the County can do and how the County can be a better advocate with private employers to provide employment opportunities for people with disabilities.

The floor was opened to questions.

Susan Hartung, Commissioner, and former Co-Chair of the Developmental Disabilities Advisory Committee (DDAC) said that Bernie Simons, Deputy Secretary, DDA, has indicated DDA may be

postponing the implementation of the transformation. There are still issues relating to the rate structure. County Executive Elrich said he would prefer DDA cancels the transformation instead of postponing it. He asked Susan to e-mail him this information and he will reach out to Deputy Secretary Simons.

Tom Liniak, Commissioner, and Director of Specialized Employment at Jewish Social Services Agency (JSSA), said DDA should not be excluding employment services. County Executive Elrich said the new regulations do not allow the provider who is with his son for eight hours a day to take him to the doctor. The agency has to hire someone else to provide this service. Meanwhile, the provider is not being paid for this time. County Executive Elrich does not understand how the new regulations are looking out for the welfare of the individuals and the parents.

Public Member, a resident of Silver Spring, said he works for a foundation that assists people with disabilities by providing assistive technology and training. He asked if the County promotes small business opportunities for people with disabilities. County Executive Elrich said the Office of Procurement's Minority, Female and Disabled-Owned Businesses (MFD) Program encourages MFD participation by conducting outreach activities and workshops and providing a forum for businesses to explore individual and joint contracting opportunities. Proposals are awarded additional points if they apply within the MFD program. The County is working to strengthen that program. County Executive Elrich also said the County Council has introduced [Expedited Bill 25-19, Contracts and Procurement – Local Business Preference Program](#), that would provide a 10% price preference in evaluating a bid or proposal from a local business on a contract awarded by the County, and would give preferences to local small businesses in Montgomery County over businesses from outside of the County. This public member, who is blind, said he has encountered a situation in downtown Silver Spring, specifically at the intersection of Fenton and Ellsworth, where buskers or a person who performs music or other entertainment in the street or another public place for monetary donations perform loudly. The noise levels interfere with his ability to safely detect the crosswalk areas making it unsafe for him to cross the street. He has spoken with the County Attorney about this issue who said the area may be designated as a noise sensitive area as it is causing safety concerns. County Executive Elrich is aware of this issue in downtown Silver Spring and will connect with the County Attorney.

Charlie Crawford, former Commission Vice-Chair and member of American Council of the Blind of Maryland and former Executive Director of the National American Council of the Blind said current infrastructure planning and design implementation in terms of transportation and pedestrians is of great concern to the disability community. As a person who is blind he has concerns about being struck by a bicycle or a scooter, and if he can safely travel from one side of the County to the other and encounter pathways that are free from obstruction. County Executive Elrich shares some of the same concerns and has asked Montgomery County Department of Transportation (MCDOT) to fine companies that have bicycles or scooters parked on the sidewalk in the path of travel. He noted he would have an extraordinarily difficult time moving a bicycle or a scooter if he used a wheelchair or was blind. Bicyclists should also have to obey traffic laws. He thinks that the disability community has been forgotten in these discussions. County Executive Elrich is interested in working on these issues. He also noted the inconvenience of telephone poles placed in the middle of sidewalks, limiting the amount of room a pedestrian has to navigate the sidewalk, oftentimes not allowing enough space for a person using a wheelchair to safely traverse the area. The County currently does not have the resources to move all the telephone poles, but funding should be set aside to target pole placements and in some instances widening of the sidewalks.

Neal Carter, Commissioner, asked if the County Executive's Office will be working with this Commission, the Maryland Commission on Disabilities, the Maryland General Assembly, and the Montgomery County

Chamber of Commerce to discuss issues of employment of persons with disabilities. County Executive Elrich said a small workgroup will be convened. He asked Neal to send him information on what other jurisdictions are doing.

Trish Gallalee, Vice-Chair, said this Commission and the Commission on Veterans Affairs worked with the County's Office of Human Resources (OHR) to establish employment initiatives which include hiring preferences for veterans, veterans with a disability, and persons with a disability established in 2009 and a non-competitive hiring process for persons with disabilities, which was passed into law by Montgomery County voters in 2012. In the beginning, the hiring numbers were strong, but over the past several years those numbers have declined. Trish asked that the County work to promote these employment initiatives. County Executive Elrich said the County will review where they are in terms of hiring and the County should be able to increase those hiring numbers.

Seth said the issues of pedestrian safety and employment overlap because if people with disabilities do not feel secure in their community, it limits their ability to become working members in society. In July, this Commission sent a letter to County Executive Elrich raising concerns about MCDOT's new designs for bike lanes and floating bus stops throughout the County. The design does not take into account the needs of people with disabilities and are a danger to this community, particularly those with vision, hearing and mobility impairments. In order to reach a floating bus stop, pedestrians are required to cross bike lanes. The bike lanes may be marked with green paint, but guide dogs do not see color. Seth asked that the County put a moratorium on development of these bike lanes and floating bus stops until a design can be approved that is safe for everyone. County Executive Elrich made notes to discuss this issue with his staff.

County Executive Elrich again thanked the Commission for the opportunity to speak.

**Dockless Vehicle Pilot Program Update – Gary Erenrich, Special Assistant to Director, and Sandra Brecher, Chief, Commuter Services, Montgomery County Department of Transportation**

**PowerPoint:** <https://montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/CPWD/CPWDDOTeScooters.pdf>

Gary Erenrich and MCDOT staff met with the Commission's Steering Committee over the summer to discuss the dockless vehicle pilot program. One reason for the pilot program is MCDOT's need to cooperate with regional agencies. DC, Arlington, and Alexandria all have a dockless e-scooter program and if the County does not have one it presents a problem with regional coordination.

The pilot program has two service areas. The East County Service Area includes Silver Spring, Takoma Park, Wheaton-Glenmont, and Aspen Hill. The West County Service Area is predominately everything north of the Beltway but does not include North Bethesda or Friendship Heights. The West County Service Area includes Rockville, Gaithersburg and Montgomery Village. Two jurisdictions not participating in the program, Garrett Park and Washington Grove in the West County Service Area, are geo-fenced and a customer will either be unable to complete the trip in those areas or may receive a penalty, as determined by the dockless company.

Lyft is providing e-scooters in the East County Service Area; Bird is providing e-scooters in the West County Service Area; and Lime is providing both e-bikes and e-scooters in both service areas. Each company's vehicles will be limited to operation within their geo-fenced service area. All vendors require that riders be at least 18 years old with a valid driver's license. State legislation was enacted on October

1st, 2019, that states electric low-speed scooters, like those used in popular scooter sharing services, will now be categorized under the same classification as bicycles, giving the user the same rights and responsibilities as bicyclists on roadways ([House Bill 748 – Vehicle Laws – Electric Low Speed Scooters](#)). E-scooters must obey traffic laws and cannot be used on sidewalks.

Montgomery County is the first jurisdiction in the country to require a visible, tactile logo on the column of the e-scooter that includes the company's contact information and website. This requirement has been adopted by other jurisdictions nationwide.

MCDOT has built numerous safeguards into a Memorandum of Understanding (MOU) with each company to ensure successful, safe and sustainable operation of dockless vehicle-sharing services within the County. These include performance measures like fleet size and condition, customer information and training on safe and appropriate operation of dockless vehicles, including information about appropriate parking locations, response time to service requests, privacy protection, deployment density limits, removal of dockless vehicles in violation of the parking requirements, a publicly-accessible application program interface and safety reports, among others.

MCDOT reviewed e-scooter programs across the country and identified that a dozen fatalities have occurred nationwide over the last year and a half with over one million e-scooter rides. The majority of the fatalities occurred in the overnight hours so MCDOT has limited the e-scooter program between the hours of 5:00 a.m. to 10:00 p.m. E-scooters cannot be rented after 10:00 p.m. and the e-scooters are not available on the street until 5:00 a.m. This time restriction provision is now being used in DC and other local jurisdictions. MCDOT is not aware of any serious accidents that have occurred since the pilot started in June 2019. The pilot program is expected to run through December 2019, but there is the ability to extend the pilot program an additional six months.

Montgomery Parks currently has a pilot program permitting the use of e-bikes and e-scooters on certain Montgomery Parks hard surface trails including Rock Creek Trail, Sligo Creek Trail up to the Prince Georges County line, Matthew Henson Trail, Long Branch Trail and Northwest Branch Trail (the paved portion south of I-495, up to the Prince Georges County line).

The floor was open to questions.

Seth said that while 15-mph may be the maximum speed allowed for e-scooters on the street, from a safety perspective the speed should take into account pedestrians. Gary said MCDOT does not expect e-scooters to be used on Georgia Avenue or Rockville Pike where vehicle speeds are 40-mph and there are four lanes of traffic. E-Scooters should be used on trails, bike lanes and back roads – where bicycles are used. Anything that is motorized, except for a wheelchair, cannot be on the sidewalk. In terms of speed limit, the maximum speed is negotiable and is part of why a pilot project is being done. Gary said that no serious accidents have been reported yet. D.C. did lower their speed limit for their e-scooters. Seth asked that DOT take into consideration near-misses. For example, Councilmember Gabe Albornoz recently recounted an incident where he had to grab his kid out of the way of an e-scooter.

Seth asked how DOT is enforcing helmet use. The County Code states that anyone 18 years or younger must wear a helmet. The e-scooter program requires all users to be at least 18 years of age, to have a driver's license, and they are encouraged to wear helmets.

Avner Shapiro, Commissioner, asked how the 15-mph speed limit will be enforced. The e-scooters and e-bikes are regulated to go no faster than 15-mph. Also, now that legislation has been enacted to

include e-scooters as vehicles, police can enforce the speed limit and give out tickets as needed. As of this time, no tickets have been given out. The legislation went into effect October 1<sup>st</sup>, 2019.

Hilary Kaplan, Commissioner, said she has balance issues and asked if there are e-scooters available that have more wheels like a tricycle. Gary said the companies currently being used in the Montgomery County pilot program do not offer such a vehicle, although other companies across the country do offer a tricycle-type of e-scooter. The County would be open to adding those types of e-scooters if the program becomes permanent. Gary added that other jurisdictions are receiving money from e-scooter companies on a per-trip-basis to help with infrastructure and operating costs. The County does not.

Larry Bram, Commissioner, expressed concerns regarding e-scooters being left in areas that impede pedestrian traffic. Gary noted that if the program were to become permanent, regulations would be put into place. Sandra also said MCDOT is working on educating the public. MCDOT's website features videos and brochures: <https://montgomerycountymd.gov/DOT-DIR/commuter/bikesharingCSS.html>.

Seth invited Gary and Sandra to speak at a future meeting.

#### **Chair and Vice-Chair Report:**

There will be no Steering Committee Meeting this month.

Seth accepted a proclamation yesterday from County Executive Elrich and County Council President Nancy Navarro for National Disability Employment Awareness Month.

Seth will be attending the Montgomery County Bicycle Action Group (MCBAG) meeting tomorrow evening to join in on their discussion about universal accessibility and pedestrian safety components of active bikeway design and construction projects. The meeting is open to the public and will be held from 7:00 p.m. to 9:00 p.m. at the Executive Office Building, 101 Monroe Street, Rockville, 9<sup>th</sup> Floor Conference Room. Charlie Crawford will also be attending.

#### **Ex-Officio Member Updates:**

Angela Dizelos, Acting ADA Compliance Manager, Department of General Services (DGS), announced Claudia Canales has joined the ADA Compliance Team. She previously worked in the Office of the County Executive.

Sharon Norcio, Department of Recreation (DR), announced DR's Winter Guide will be out on November 1<sup>st</sup> with registration starting on November 12<sup>th</sup>.

[https://montgomerycountymd.gov/rec/Resources/Files/publications/W\\_GUIDE\\_ADA\\_19-20.pdf](https://montgomerycountymd.gov/rec/Resources/Files/publications/W_GUIDE_ADA_19-20.pdf)

#### **Announcements:**

Cindy Buddington, Commissioner, announced Montgomery County Public Libraries (MCPL) is hosting a program "Accessible and Affordable Housing for People with Disabilities in Montgomery County" on Wednesday, November 6<sup>th</sup> from 3:30 p.m. to 5:00 p.m. at the Gaithersburg Library. Speakers include Abiola Heyliger and Debra Potts from Independence Now, and Susan Smith from the Housing Opportunities Commission.

Larry announced Easter Seals is now certified to offer a new training called Dementia Live<sup>®</sup> that provides a first-hand dementia simulation experience. Trainings are available for County agencies, organizations, caregivers and family members.

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

## **Montgomery County Commission on People with Disabilities November 2019 Meeting and Events Calendar**

**Monday, November 11<sup>th</sup>**

**Veteran's Day**

County Observed Holiday – Offices Closed

**Wednesday, November 13<sup>th</sup>**

**Full Commission Meeting**

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

EOB – 101 Monroe Street, Lobby Level Auditorium, Rockville

**Thursday, November 14<sup>th</sup>**

**County Council Transportation & Environment (T&E) / Health and Human Services (HHS)  
Committee Meeting**

2:00 p.m.

COB – 100 Maryland Avenue, 3rd Floor Conference Room

Briefing: Accessible transportation for seniors and people with disabilities

**Monday, November 18<sup>th</sup>**

**Maryland Alliance**

12:00 p.m. to 2:00 p.m.

Annapolis

(Morgan / Luecking)

**Monday, November 18<sup>th</sup>**

**\*\*PLEASE NOTE – Held 3<sup>rd</sup> Monday of the Month\*\***

**Developmental Disabilities Advisory Committee**

4:00 p.m. to 5:30 p.m.

HOB – 401 Hungerford Drive, 1<sup>st</sup> Floor 1A Conference Room, Rockville

**Tuesday, November 19<sup>th</sup>**

**County Council Planning, Housing, and Economic Development (PHED) / Education & Culture  
(E&C) Committee Meeting**

3:00 p.m.

COB – 100 Maryland Avenue, 3<sup>rd</sup> Floor Conference Room

Discussion on the County's workforce developmental delivery structure

**Wednesday, November 20<sup>th</sup>**

**Steering Committee Meeting**

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

HOB – 401 Hungerford Drive, 1<sup>st</sup> Floor 1A Conference Room, Rockville