

Americans with Disabilities Act
Final Self Evaluation Findings
Policies and Practices Related to Streets and Sidewalks

Prepared for:

City and County of Honolulu
Department of Design and Construction

Prepared by:

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and
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Hecker Design, Ltd.

December 31, 1998

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Introduction

This report has been developed to fulfill a portion of the City and County of Honolulu's (City) requirements under the implementing regulations for Title II of the **Americans with Disabilities Act of 1990** (ADA) found at 28 CFR 35.105(a), and the **Consent Decree and Order** filed in McConnell et. al. v. City and County of Honolulu in USDC Civil No. 96-01111 DAE - May 5, 1997. It has been prepared by the accessibility consultants hired by the City to assist with accessibility evaluations and compliance planning.

The Self Evaluation process described by this report is limited to those *service, policy and practice* issues relating to the City's **streets and sidewalks** (i.e., fully improved pedestrian circulation routes within the jurisdiction of the City, including access to bus stops). Architectural modification (i.e., physical change) recommendations relating to streets and sidewalks are addressed in the City's *Transition Plan Related to Curb Ramps*. The following process was developed to help ensure that the City's programs, services and activities that relate to streets and sidewalks will allow the full participation of people with disabilities:

1. Develop the Self Evaluation Questionnaire by the Consultants (see Appendix A);
2. Coordinate with the City's ADA Team to determine who would be questioned;
3. Distribute the Questionnaire to Departmental ADA Liaisons for completion;
4. Interview the Departmental ADA Liaisons for clarification;
5. Analysis of the Questionnaires and Meeting Notes by the Consultants;
6. Document Findings in the Draft Self Evaluation Report;
7. City Review and Revisions;
8. Receive Public Comment and conduct a public information meeting (see Appendix B);
9. Present Self Evaluation Report *with revisions per public comment* to City for approval;
10. Modify City Policies and Practices found to limit program access.

This report is intended to present all of the City's programs, services and activities relating to **streets and sidewalks**, and to identify those policies and practices that may not allow people with disabilities to fully participate in their use. In addition, recommendations for policy and/or practice modifications are provided by the consultants and will be implemented after public comment and final City approval.

Non-Discrimination Policy

On February 13, 1998, the City and County of Honolulu ADA Coordinator distributed the following non-discrimination policy statement that would be applicable to programs, services and activities that relate to streets and sidewalks:

The City and County of Honolulu does not discriminate on the basis of disability in admission, access to, or operation of its programs, services, or activities. The City and

County of Honolulu does not discriminate on the basis of disability in its hiring or employment practices (see Appendix C).

Review of Policies & Practices

The format of this report is derived from the Self Evaluation Questionnaire (see Appendix A) which was categorized into **General Curb Ramp Issues, Program Access Issues** and **Communication Issues**. Each of these areas relates to the City's policies and practices regarding **streets and sidewalks**. Care was taken to coordinate the requirements of the ADA Title II Regulations (28 CFR Part 35) and the technical assistance guidance provided in the federal Department of Justice (DOJ) funded "ADA Title II Action Guide".

Programs Reviewed Before Departmental Reorganization

The list below identifies City personnel who were interviewed by the consultants and presents brief descriptions of their Department's programs, activities and services related to **streets and sidewalks**. In the last half of 1998, the City began an overall departmental reorganization. These findings are presented with the former departmental designations since interviews were conducted under that structure. In general, the Department of Public Works (DPW) was divided into the Department of Design and Construction, the Department of Planning and Permitting, and the Department of Facility Maintenance. Once the new directors have finalized departmental responsibilities, the Consultants will assign the tasks listed in the recommendations among the appropriate divisions. Until that time, this report shall act as a "snap shot" of the services, policies and practices of the City as they relate to streets and sidewalks. Those departments that no longer exist are referred to as "Former."

1. Former Dept. of Public Works - ADA Departmental Coordinator: Gregory Sue
Mr. Sue is the designated ADA Departmental Coordinator for the former Department of Public Works (DPW), which is responsible for many aspects of street, curb ramp and sidewalk design and maintenance. The departmental responsibilities related to streets and sidewalk accessibility are divided among the various divisions of DPW, as described more fully below. The ADA Departmental Coordinator acts as the single source for ADA-related project information and assistance and can direct specific requests to the appropriate division personnel.

2. Former Dept. of Public Works - Div. of Road Maintenance: Yukio Uyehara
This division maintains all roads and streets in the City that are not repaired under contracts with private general contractors. Their work includes resurfacing streets (in-house or through contracts) and the reconstruction, repair and maintenance of sidewalks and curb ramps in the City and rural areas of the island. This department also investigates complaints forwarded to them by other City agencies relating to curb ramps and sidewalks (90% are for sidewalk repairs due to damage done by tree roots).

3. Former Dept. of Public Works - Div. of Engineering: Marvin Fukagawa

This division administers and directs the programs, activities and affairs related to streets and sidewalk capital improvement projects. The Control Section of this division prepares construction and design standards (including those for sidewalks and curb ramps), checks plans for projects, processes contract documents and reviews bids for street and sidewalk projects. The Highway Section of this division plans, designs and prepares detail drawings for major and minor street improvements, including the City's on-going curb ramp improvement project "**Wheelchair Ramps at Various Locations**" and planning for street resurfacing and new construction. Each section conducts public hearings and meetings regarding street and sidewalk projects.

4. Former Dept. of Public Works - Div. Automotive Equipment Services: Chris Miura

This division has no apparent relationship to programs, activities or services related to the use of streets and sidewalks by people with disabilities.

5. Former Dept. of Public Works - Div. of Land Survey & Acquisitions: Andy Harada

This division has no apparent relationship to programs, activities or services related to the use of streets and sidewalks by people with disabilities.

6. Former Dept. of Public Works - Div. of Refuse Collection: Frank Doyle

This division has the responsibility of investigating sidewalk inaccessibility due to the improper placement of trash and trash receptacles.

7. Dept. of Transportation Services - ADA Departmental Coordinator: Garrett Goo

Mr. Goo is the ADA Departmental Coordinator for the Department of Transportation Services (DTS) which is responsible for a few areas related to streets and sidewalk accessibility, namely Traffic Engineering (which deals with striping crosswalks); the Plan Review Branch of the Transportation Management Division (which reviews plans for crosswalks and establishes roadway geometrics that can create inaccessible cross slopes for wheelchair users trying to use the crosswalks); the Programming Branch of the Transportation System Planning Division (which coordinates federal audits and maintains federal regulations and guidelines); Coordination of the Oahu Transit Services, Inc. contract for the "HandiVan" paratransit service (which may be considered an administrative solution to the program access problems of some of the inaccessible bus stops, when The Bus System is viewed in its entirety). There was, until July 1, 1997, a volunteer advisory committee for dealing with the accessibility issues of The Bus System (the "Committee for Accessible Transit" (CAT)).

8. Dept. of Transportation Services - Traffic Engineering: Paul Won

This division of the DTS has two primary ties to the programs that relate to street and sidewalk accessibility - the first is striping crosswalks at intersections so disabled users do not have to proceed into oncoming traffic to cross the street and, secondly, planning and implementing of "on street" parking which affects street access if disabled users are not offered the same opportunities as others.

9. Dept. of Transportation Services - Div. of Public Transportation: Paul Steffens
This division administers the "HandiVan" paratransit services contract by monitoring and working with the contractors to deliver the most efficient, responsive, and cost effective service to the elderly and disabled citizens who might not otherwise be able to use The Bus services. Also, this Division deals with the Public Transit Authority Facilities and Equipment Branch of The Bus System Division which prepares plans, drawings, specifications, siting recommendations to the Operation and Marketing Branch, bid documents, requests for proposals, cost estimates and performance schedules for the design, construction, repair and maintenance of bus shelters, bus stops, pads, street furniture, benches, etc. (which are frequently integral elements of the City's sidewalks and critical accessibility features for many disabled citizens who rely on The Bus as their major means of transportation).

10. Dept. of Transportation Service - Div. of Transportation Management: Joe Magaldi
This division has two branches that may deal directly with accessibility issues related to streets and sidewalks - the Plan Review Branch (which reviews construction plans and could affect accessibility in its development of revisions to roadway geometrics) and the Transportation Systems Branch (which provides traffic engineering and design support for small scope street and intersection projects).

11. City and County of Honolulu - ADA Coordinator: Nick Kakaroukas
Mr. Kakaroukas is with the Office of the Managing Director and serves as the City's ADA Coordinator designated by law to coordinate the City's efforts to comply with the ADA and fulfill the City's responsibilities. His duties include, among other things, the evaluation of the City's implementation of the 1993 Self Evaluation & Transition Plan (which only addressed accessibility of streets and sidewalks in terms of the Mayor's Committee on Persons with Disabilities (MCPD) "Wheelchair Curb Ramp Priority List - FY '93-94" where 84 intersections were determined to require curb ramp modifications).

12. Dept. of Community & Social Resources - Fmr. Mayor's Cmte. Member: Mark Au
Mr. Au was responsible for assisting the MCPD in responding to public requests for curb ramps from January 1990 to June 1997. He also helped the MCPD to receive, compile, review and prioritize these curb ramp requests for annual submittal to the Director of the DPW for planning and construction. The job of prioritizing the public requests for curb ramps was transferred on July 1, 1997 from the MCPD to the DPW which has technical staff to prioritize modifications and who can determine the site factors affecting the placement of those curb ramps. The DPW will be supplemented in its efforts by the Consultants' recommendations for curb ramp placement and modification in the *Transition Plan Related to Curb Ramps*.

13. City and County of Honolulu - Office of Information and Complaint: George Souza
Complaint officers or investigators in the Office of Information and Complaint (OIC) receive and/or investigate concerns and complaints relating to inadequacies of curb ramps, sidewalks, streets or bus stops. As necessary, these issues are written up and sent to the functional

department which has jurisdiction to determine what needs to be done and the best course of action to rectify the matter. If the complainant desires a response, the functional department provides follow-up with that person. Typically streets and sidewalk complaints are directed to the DPW for action and most are received via the telephone (Telephone Device for the Deaf (TDD) is available to OIC staff).

General Curb Ramp Issues

1. Denied Access to Services

There were no accounts of people with disabilities being turned away from any offices without the opportunity to participate in the aid, benefits or services offered by the City dealing with matters related to accessible streets and sidewalks.

Recommendation: *In an attempt to minimize the future potential of such an occurrence, the City's ADA Coordinator should develop or contract for an educational program (in-house workshops, orientation training, etc.) on appropriate staff behavior related to people with disabilities seeking to benefit from the programs of the City. These workshops should include each City employee that has direct contact (in person, or on the phone) with citizens on issues related to the accessibility of streets and sidewalks.*

2. Inequality of Benefits

Regarding the existence of services, aids or benefits related to streets and sidewalks that are not equal to, or that do not offer the same opportunities, the following concerns were identified in the Self Evaluation process:

A. Accessibility Concern

People with disabilities were not offered the same opportunities as others who use the sidewalks due to the lack of a comprehensive Transition Plan that proactively plans for curb ramp installations. The current MCPD Wheelchair Curb Ramp Transition Plan of 1993 did not address this regulatory requirement to proactively plan for the installation or modification of curb ramps to ensure program accessibility when the sidewalk system was viewed in its entirety - the 84 intersections identified in that Transition Plan were determined in a "reactive" manner, based upon individual citizen complaints and requests for curb ramp modifications.

Recommendation: *While the City should be commended for their attempts to address citizen complaints and requests for specific curb ramp modifications or installations, this appears to fall short of the requirements of the ADA for the development of a Transition Plan dealing with curb ramps - this shortfall will be mitigated by the completion of the Transition Plan Related to Curb Ramps required under the Consent Decree and Order.*

B. Accessibility Concern

Many of the more than 3,700 existing Bus stops are not designed to accommodate wheelchair users due to the lack of an accessible approach from the City sidewalk.

Recommendation: *The accessible approach from existing sidewalks and intersections to the Bus stops will be included in the survey and planning process associated with the Transition Plan Related to Curb Ramps. This Transition Plan, along with the Transition Plan currently underway by the DTS will document a systematic approach to making The Bus stops served by existing sidewalks accessible when the program is viewed in its entirety. As an administrative solution in the interim, the availability of paratransit services through the use of the "HandiVan" will allow many people with disabilities, who can not access the services of The Bus due to the lack of accessible sidewalk approaches, to benefit from the transit programs offered by the City.*

3. Significant Assistance Through Other Agencies or Contractors

The only account of people with disabilities being discriminated against by contractors or other agencies that provide aid, benefits or services on behalf of the City dealing with matters related to accessible streets and sidewalks was the renovation of Salt Lake Boulevard. In this project the construction company opened the new sidewalk while construction barriers to people with disabilities were present. There were temporary utility poles placed in the sidewalk in such a manner as to limit the passing space to less than 32" and the curb ramps appeared to be available for public use before the final coat of asphalt was placed to mitigate the approximately 1" high lip at the bottom landing.

Recommendation: *In an attempt to minimize the future potential of such an occurrence, the City's ADA Coordinator should develop or contract for an educational program (in-house workshops, orientation training, etc.) on appropriate staff behavior-related interagency work or contract administration. These workshops should include each City employee that has direct contact (in person, or on the phone) with citizens on issues related to the accessibility of streets and sidewalks. Regarding the Salt Lake Boulevard project barriers, the walk was widened to allow passage around the temporary poles and temporary asphalt patches have been placed at the bottom landings of the new curb ramps until the final asphalt layer is applied.*

4. Planning and Advisory Boards

While the ADA requires the City to allow disabled citizens to participate in Planning and Advisory Boards dealing with issues of accessible streets and sidewalks (namely the MCPD and the CAT), there was no evidence of the City prohibiting any qualified disabled citizen from participating in these Planning and Advisory Board.

Recommendations: *While the Transition Plan Related to Curb Ramps will document the systematic strategy for curb ramp and sidewalk accessibility, the MCPD and the CAT should be given a prominent role in the Public Hearing process through which comments are received. Moreover, the DTS should continue CAT and its ADA Departmental Coordinator should have an active liaison role in their activities.*

5. Limitation of Rights, Privileges or Opportunities

A. Accessibility Concern

There is a history of City policies and practices related to the standard design and construction of curb ramps that made the accessibility of sidewalks and bus stops that are served by them difficult, if not impossible for many disabled users. Specifically, the short length of the side flares (4' max. to discourage vehicle traffic) and the practice of establishing the slope of the curb ramp by the arbitrary location of the existing property lines (rather than custom designing a compliant curb ramp for the specific existing conditions) are not accessible.

Recommendations: *The City has recently amended its policies and practice to use 1:12 running slopes for the curb ramps and stopped using 4' flared sides. No further action is required.*

B. Accessibility Concern

There is a history of City policies and practices related to the standard design and construction of driveway aprons that made the accessibility of sidewalks and bus stops that are served by them difficult, if not impossible for many disabled users. Specifically, the standard design and construction practice of including the steep cross slope of the driveway apron within the accessible route of the sidewalk creates conditions that tend to direct wheelchair users into the street as they attempt to traverse the driveway apron.

Recommendations: *The Consultants will evaluate and report on specific elements of the standard design details for driveway aprons. All future projects involving the alteration of the sidewalks should include (up to the 20% maximum of the total budget) "path of travel" investigations to determine if it would be technically feasible to modify existing non-compliant driveway aprons which create potentially hazardous cross slope conditions on the sidewalks - then modify those which are feasible to make accessible within the financial limitations of ADA. The City should adopt design standards that are in strict compliance with the ADA Standards for Accessible Design (a.k.a. ADA Accessibility Guidelines or ADAAG). It is anticipated that the DPW will be faced with conditions where the concerns of Highway Standards for automobiles conflict with the requirements of the accessibility standards of the federal ADA for people who use wheelchairs - it is the Consultants' belief that the potential for wheelchair users to be thrown from their wheelchairs, or directed into the street by the steep cross slopes of the driveway aprons that cross the sidewalk, outweigh the inconvenience of motorists who will have to negotiate the accessible driveway aprons more carefully to avoid jarring the occupants of the vehicle. A balanced design strategy should be the desire of the City's engineering staff.*

C. Accessibility Concern

There is a history of City policies and practices related to the standard design and construction of street resurfacing projects that made the accessibility of sidewalks and bus stops that are served by them difficult, if not hazardous for many disabled users.

Specifically, each time the City elects not to grind down the old pavement before the installation of a new layer of asphalt, the resulting overlay creates a lip that exceeds the maximum 1/4" high vertical transition allowed under the ADA for the accessible route along the crosswalk at the street.

Recommendations: *In all Capital Improvement Projects related to street repaving, the City should include the requirement that, at minimum, the transition area at the bottom of each curb ramp be ground down to allow a flush, stable pavement transition at the asphalt/curb gutter connection. No vertical lips greater than 1/4" should be allowed on the accessible route at the crosswalk.*

D. Accessibility Concern

There is a history of City policies and practices related to the alteration of existing streets (i.e., resurfacing projects, street replacements, etc.) and sidewalks since the effective date of the ADA accessible design and construction requirements (January 26, 1992) without incorporating the additional curb ramp installations or accessibility modifications required under the selected ADA Title II Standards for Accessible Design. In many cases this would have required the installation of new accessible curb ramps and/or the modification of non-compliant existing curb ramps in the alteration scope of work - the intent of the ADA alteration provisions defined by Congress was to strategically remove architectural barriers in existing facilities during alteration projects in an attempt to mitigate the financial burden on Public Entities as they plan for the removal of barriers to program access through the Transition Plan process. Existing non-compliance curb ramps are those that would not meet the minimum accessibility requirements of the ADA Standards or the Uniform Federal Accessibility Standards (UFAS). Recently, City policy has changed and the addition of "path of travel" accessibility work during alteration projects will be included into the project scope of work. This additional work, up to the apparent regulatory maximum of 20% of the alteration cost, will cover the removal of architectural barriers (typically curb ramp work and sidewalk repaving) along the approach to the altered primary function areas.

Recommendations: *In all construction contracts and in-house street and sidewalk alteration projects the City should include the requirement that the architectural barriers along the "path of travel" to the altered primary function area be removed to ensure an accessible approach, unless the cost of doing so would exceed 20% of the total alteration budget (if it does exceed 20%, the City will prioritize the expenditure of the 20% in the most appropriate manner possible, in consultation with the MCPD). Because the duty to ensure "path of travel" modifications is tied to the "higher standard" under ADA due to its association with alteration projects (as opposed to the flexible "program access" duty), a detailed investigation of the intersections and curb ramps that would have been made accessible if the City had been implementing this "path of travel" provision since the effective date will be made and those curb ramps will not be included in the funding request associated with the City's curb ramp Transition Plan. A separate funding process should be developed to ensure that the two "standards of care" associated with these different duties under ADA are addressed in such a way that the absolute duty for*

alteration work is not diluting the flexible program access prioritization process of the Transition Plan process for program accessibility. This funding source separation is important since the limitations associated with alteration projects (i.e., 20% cap) are not as flexible as the limitations associated with the program accessibility process (i.e., "viewed in its entirety" and undue financial or administrative burden) and coordinating the funding could become overly complex.

E. Accessibility Concern

The following policy statement from the Traffic Standards Manual (TSM) appears to encourage design that discriminates against disabled sidewalk users who may wish to cross the street at intersections where others are allowed to cross without prohibition:

"Where no traffic controls exist or are planned on streets with high volumes of traffic, it is preferable not to provide the curb ramps and to detour the handicapped pedestrian traffic to another corner rather than to encourage or create an unsafe condition." (VII. Miscellaneous Standards Chapter, Section 1.1, page 82)

While this concern might appear to be offered with the best of intentions, it can indeed be regarded by people with disabilities as discrimination. If there is an unsafe condition for disabled users due to high traffic volume, there is probably an unsafe condition for all users and there should be no crosswalk markings.

Recommendations: *Revise the TSM to delete this paragraph. It seems that prudent judgment on the part of the City's Traffic Engineers would best include everyone, not just people with disabilities and certainly should not include design recommendations that can be justified by only individual preconceptions of the abilities of those who are disabled. There may be circumstances where prudent engineering judgment will indeed dictate the modification of an intersection in a way that is not safe for all users, but simply stating "high volumes of traffic" may not be a wise defense when faced by claims of discrimination. The Consultants will work with the City to help establish criteria for those situations where accessible design solutions might be hazardous or technically infeasible - those criteria will be documented and made available for public review. Issues to be considered include: crossing signal buttons, timing of pedestrian signals, tactile signage, sidewalk obstructions and detectable warnings at curb ramps.*

F. Accessibility Concern

The TSM defines traffic marking requirements for crosswalks and "on-street" parking spaces. While the requirements for cross walk marking show a 3' wide landing at the diagonal curb ramps, the ADA requires a minimum of 4' clear to allow wheelchair users to enter fully into the cross walk with limited likelihood of being in the traffic flow - this design standard (Chapter IV Traffic Control Devices, Section 3.9, page 45) has been revised in practice recently to be correctly dimensioned at 4' minimum. The "on-street" parking designations noted in the TSM (Chapter IV Traffic Control Devices, Section 3.10, page 46) show no spaces that could accommodate the independent transfer from the

car/van of wheelchair users without having to go into traffic or forcing the difficult/potentially dangerous transfer over the curb level change.

Recommendations: *Revise the TSM on crosswalk marking limits and continue in the current practice of allowing at least 4' clear at the intersection of crosswalks - further, if feasible, consider the installation of a pair of curb ramps at each corner (per DTS Detail) so the crosswalk is served directly by the curb ramp and blind users can use the edges as wayfinding guides. Regarding "on-street" parking programs, there is no provision for accessible parking spaces with a 5' wide access aisle - the City should adopt the design for "on-street" parking defined in the Interim Final ADA Design Standards for Public Entities which will allow for an access aisle where right-of-way conditions permit. The MCPD and the CAT should be consulted for guidance regarding the location and number of accessible parking spaces to be provided along with accessible meters and signage when the entire "on-street" parking program is evaluated.*

G. Accessibility Concern

There is evidence that the City has given less attention than is appropriate to the issue of curb ramp placement at intersections. Particularly, the reliance on the diagonal curb ramp design in some situations where the placement of such an element would create a situation where a wheelchair user would have to proceed into on-coming traffic to cross the street. If the diagonal curb ramp is placed at a corner where the radius of curvature at the gutter is too small (approximately 27' or less) then the pedestrian using a wheelchair or scooter will be exposed to on-coming traffic. Four feet is required at the bottom landing of any curb ramp (unless site limitations prohibit) to allow the wheelchair or scooter user to be sheltered from on-coming traffic by the geometry of the intersection. Also, if the intersection of two streets is not at or about 90 degrees, or if the diagonal curb ramp is installed at a location other than the apex of the corner, then the same situation can arise. It appears that this design and implementation pattern was unintentional and due primarily to a lack of understanding of accessible design requirements.

Recommendation: *These inaccessible curb ramp installations will be identified in the Transition Plan and will be scheduled for replacement or modification to ensure the most accessible installations feasible. The Consultants will work with the City to clarify these concerns so they are identified in the future during design and construction inspections.*

H. Accessibility Concern

The City has a limited number of audible crossing signals for alerting visually impaired pedestrians of crossing conditions, but if the whole network of signalized intersections is taken into account the number of audible accommodations for those with visual impairments is much too low.

Recommendation: *An inventory of the existing audible signals should be taken and comments from the disability community should be sought regarding the most appropriate locations for new audible signals to be installed so the major pedestrian circulation routes are accessible to everyone.*

I. Accessibility Concern

Those who use mobility aids when using the sidewalks find some areas of town (Chinatown, Waikiki, etc.) difficult or impossible to negotiate due to trash or debris containers placed on the sidewalks for City collection. Also, many of the freestanding displays used to distribute tourist literature or newspapers are placed in ways that block or constrict the circulation route for people with disabilities.

Recommendation: *The City has a procedure for addressing complaints related to improper placement of refuse containers. First, calls are taken by the former Division of Refuse Collection and Disposal, OIC or the ADA Coordinator and a DPW supervisor is sent to investigate the complaint. If there is a violation, the business owner is warned and told to correct the problem, if the problem persists, the DPW calls the Police who may issue a citation (with fine) to the violator. Regarding the freestanding displays, while the City has a process in place to evaluate the specific location of freestanding newspaper boxes, newsstands and free literature distribution units, the crucial approval decision is left to the District Police Officers who patrol the area where the units are proposed to be placed. The criteria used in this decision includes, among other things, vehicle sight lines at intersections, restrictions to pedestrian traffic flow and potential hazards related to the placement or design of the units. There have been complaints that the determinations made with regard to pedestrian traffic flow have not included some critical factors involved in accessible design (i.e., 36" clear path, no protruding edges, etc.) and that the people making these determinations are not considering these accessibility factors enough – special training is required for those who make the on site judgment calls.*

6. Required Use of Special Programs

The only "Special Program" identified was the City's Paratransit Service (HandiVan) which, in accordance with the ADA provides public transit service comparable to the fixed route service. Under the ADA, paratransit service eligibility is "trip specific" and accessibility is one factor considered in determining trip specific eligibility. While the City's Paratransit Service is not an alternative to the lack of accessibility due to curb ramps, disabled individuals eligible for paratransit services could use the City's Paratransit Service for trips originating from or going to a destination that is not accessible due to a lack of accessible curb ramps

Recommendation: *No Action Required.*

7. Different Treatment for Disabled

There were no accounts of people with disabilities being treated differently in the opportunities to participate in the aid, benefits or services offered by the City dealing with matters related to accessible streets and sidewalks.

Recommendation: *In an attempt to minimize the future potential of such an occurrence, the City's ADA Coordinator should develop or contract for an educational program (in-house workshops, orientation training, etc.) on appropriate staff behavior related to people with disabilities seeking to benefit from the programs of the City. These workshops should include*

each City employee that has direct contact (in person, or on the phone) with citizens on issues related to the accessibility of streets and sidewalks

8. Special Accommodations by City

The following special accommodations were identified during the self evaluations for people with disabilities to benefit from the opportunity to participate in the aid, benefits or services offered by the City dealing with matters related to accessible streets and sidewalks.

A. "Wheelchair Curb Ramps at Various Locations"

The City began a limited program of installing curb ramps at intersections in 1973 and has had various curb ramp installation projects for most of the years since. These programs (most recently titled "Wheelchair Ramps at Various Locations") have been associated with the MCPD for the prioritization of the limited improvement funds allocated by the City. A brief report of the MCPD will be prepared by the Consultants, although after July 1, 1997 the MCPD transferred to the former DPW the responsibility of determining which of the approximate 600 backlogged requests for curb ramps would be funded.

Recommendation: *The Transition Plan Related to Curb Ramps will define a strategic plan for the modification and installation of curb ramps throughout the City on a proactive (not just a reactive) approach which will do away with the need for this special program. No other action required.*

B. The Paratransit Service

The City's Paratransit System provides comparable transit services, in accordance with the ADA, to disabled individuals unable to use the fixed route service. Under the trip specific criteria of the ADA, if a paratransit service eligible individual's point of origin or destination is not accessible, due to the lack of curb ramps or other restrictions, the individual is authorized to use the paratransit service for that trip.

Recommendations: *As the implementation of the Transition Plan Related to Curb Ramps gets underway, the burden on the paratransit system may be reduced by the number of individuals that can then independently utilize the standard Bus System. Continue monitoring the effectiveness of the paratransit system and use it as the administrative solution to provide program access during the implementation period of the curb ramp program.*

9. Alteration and New Construction Standards

Even though federal law (ADA) and state law (HRS 103-50) require compliance with the ADA Standards for Accessible Design (ADAAG), departmental practices show the standard details for curb ramp and driveway apron designs have taken priority over the ADA Accessibility Standards requirements for those features. Additionally, it appears that a number of City sidewalk/roadway projects have been completed without the benefit of an accessible design review (per ADAAG under HRS 103-50) by the Commission on Persons with Disabilities. Those reviews might have identified potential problems before they were constructed.

Recommendations: *The Consultants will review and report on these standard details to determine the specific revisions required to ensure compliance with the ADA Standards for*

Accessible Design. The Chief Engineer should issue an Executive Memo regarding the City's commitment to the implementation of the City's Non-Discrimination Policy through the thoughtful accessible design of pedestrian circulation routes. The Memo can stress the importance of informed engineering practices, thorough consultant coordination, dedicated site inspections, and a commitment to have all projects reviewed for accessibility compliance by the Commission on Persons with Disabilities-Facilities Access Unit.

10. Selection of Procurement Contractors

There were no accounts of qualified disabled contractors being rejected or the development of criteria that would tend to screen out otherwise qualified disabled contractors dealing with matters related to accessible streets and sidewalks.

Recommendation: *In an attempt to minimize the future potential of such an occurrence, the City's ADA Coordinator should develop or contract for an educational program (in-house workshops, orientation training, etc.) on appropriate staff behavior related to people with disabilities seeking to benefit from the programs of the City. These workshops should include each City employee that has direct contact (in person, or on the phone) with citizens on issues related to the accessibility of streets and sidewalks*

11. Training on ADA

A. Accessibility Concern

Only a few of the engineers from the City have attended training on ADA accessible design, and only one session focused on issues relating to curb ramps. Many of the design and inspection staff have need for a detailed understanding of accessibility as it relates to sidewalks and streets.

Recommendation: *The design and inspection staff that deal with street and sidewalk accessibility should attend specific training on the accessible design of those features to help ensure that people with disabilities are benefiting from accessible new construction and alteration projects.*

B. Accessibility Concern

There were no accounts of staff training relating to "reasonable modifications" to policies, practices or procedures dealing with streets and sidewalks. One account of people with disabilities being treated differently in the opportunities to participate in the aid, benefits or services offered by the City dealing with matters related to accessible streets and sidewalks was reported. The "variance" procedure for surface encroachments into the right-of-way for architectural accessibility (private ramps, lifts, etc.) has been conducted by the City in such a way that applicants may not have been aware of the intent of a variance, nor was the appropriate alternative process communicated. A variance is intended for minor encroachments into easements or rights-of-way, but not for major structural encroachments. Major encroachments require a negotiated agreement (with Departmental approvals) between the private property owner and the City's Department of Finance for the lease or rental of the property under the major encroachment. Additionally, of the four

cases on record that involve requests for variances to allow private businesses to comply with the ADA, there was one approval for encroachment into the sidewalk by an incline lift and 3 denials for ramp installations. It is generally held by accessibility experts that permanent ramps are more appropriate solutions than lifts. In the denial letters the focus of the City was on preventing the establishment of a “precedent” for use of the right-of-way to accommodate the accessibility needs of private business owners. Particularly disturbing from a policy point of view was the following excerpt denying a variance for an existing ramp at a food store in Chinatown:

“...what is currently an isolated problem [the projecting ramp at the sidewalk] may eventually become an extended one if neighboring owners decide to construct additional ramps to facilitate their own property accesses...”

While it is understandable that the City wants to limit the potential for pedestrians to trip and fall on City sidewalks, the fact that the City also recognizes the need for other shop owners along that street to provide accessible entry from the sidewalk (typically one step up), supports the formulation of an overall solution to the problem for that neighborhood. Basically, the staff was not aware of the need for an accommodation and this lack of awareness is central to the education efforts proposed herein. While the variance process may not be the most appropriate vehicle for accommodating requests from business owners who have little or no choice but to seek to modify the sidewalk to ensure accessibility, it is the most well known process to the public. Given that many shop/business owners are in a “Catch 22” situation where they must make their entrances accessible per ADA, but there is a 6” step down to the sidewalk, the City should install a procedural mechanism for thoughtfully developing accessible solutions for these unique situations. Of course, there will be some conditions that are impossible to correct, but each should be considered on a case-by-case basis or it could be interpreted that the lack of accommodation by the City is itself a form of discrimination.

Recommendation: *In an attempt to minimize the future potential of such an occurrence, the City's ADA Coordinator should develop or contract for an educational program (in-house workshops, orientation training, etc.) on appropriate staff behavior and procedures related to businesses seeking to negotiate with the City about right-of-way use. An honest evaluation of the criteria associated with the denial of right-of-way use should be developed and the City should be willing to be flexible when the most appropriate accessible modification encroaches into City land. It should be noted that future use of the right-of-way may require the business to spend money to remove the encroachment and that economic hardship, at that time, would not be an acceptable excuse.*

12. Eligibility Criteria

There were no accounts of people with disabilities being discriminated against due to eligibility criteria for aid, benefits or services of the City dealing with matters related to accessible streets and sidewalks.

Recommendation: *In an attempt to minimize the future potential of such an occurrence, the City's ADA Coordinator should develop or contract for an educational program (in-house workshops, orientation training, etc.) on appropriate staff behavior related to people with disabilities seeking to benefit from the programs of the City. These workshops should include each City employee that has direct contact (in person, or on the phone) with citizens on issues related to the accessibility of streets and sidewalks.*

13. Integrated Settings

There were no accounts of people with disabilities being discriminated against by the lack of integrated settings for aid, benefits or services of the City dealing with matters related to accessible streets and sidewalks.

Recommendation: *Continue to operate in a way that does not discriminate against people with disabilities.*

14. Surcharges

There were no accounts of people with disabilities being required to pay a special fee or surcharge for aid, benefits or services of the City dealing with matters related to accessible streets and sidewalks.

Recommendation: *Continue to operate in a way that does not discriminate against people with disabilities.*

15. Written Policies

There are written policies outlined in the TSM discussed above that relate to accessible streets and sidewalks, as well as, standard design details for the construction of curb ramps and driveway aprons. There are also memoranda from city departments that amend and expand upon the design requirements for streets and sidewalks.

Recommendation: *The Consultants will review and report on these standard details and design practices to determine the specific revisions required to ensure compliance with the ADA Standards for Accessible Design.*

16. Historic Programs

There were no accounts of sidewalks or streets affected by the designation (or qualification for designation) as a facility listed on the National Register of Historic Places or other State or local historic designation program. If there had been, the ADA allows for some limitations to accessibility if the historic significance of the facility would be threatened or destroyed.

Recommendation: *No Action Required.*

17. Technical Infeasibility and Undue Burden

Only the DPW cited these ADA limitations relating to streets and sidewalks. DPW identified certain site conditions (extreme slope, underground vaults, utilities, catch basins, drainage requirements, traffic engineering design standards, lines of site limitations at intersections, etc.) as things that may limit the installation of accessible features at a particular location. Also, the DPW

cited the requirement to plane all streets to ensure resurfacing projects allow for a flush transition at the landings of curb ramps as an informal understanding of an undue burden.

Recommendation: *The Consultants will work closely with the City during the development of the Transition Plan Related to Curb Ramps to help determine the site features that might appropriately discourage accessible modifications as technically infeasible. It is understood that during the design portion of the Transition Plan Implementation Phase there will be a review by the Commission on Persons with Disabilities of those proposals that might be technically infeasible. Undue burden defenses are most appropriately addressed by the Office of the Corporation Counsel.*

18. Communication Issues

Only the staff of the OIC had a TDD (or text telephone by which hearing or speech impaired individuals can communicate with someone else who has the small typewriter like device) and the policies for sign language interpreters were very informal. Most agencies had photocopiers that would allow documents to be printed in large print, but no agency had access to Braille printers.

Recommendations: *The primary situations where an agency of the City government might be called upon to communicate with citizens with disabilities are in the areas of information and complaints, or at public hearings for proposed street/sidewalk modifications. Additionally, public notices and all printed documents related to streets and sidewalks should be available to those who are visually impaired. Specific strategies for accessible communication include the following:*

- a. develop a brochure describing the complaint and information process with the OIC as the main clearing house for those functions - OIC has a TDD and sign language interpreters are available with limited notice;*
- b. develop a relationship with an organization that has a Braille printer, which can print a document from computer disk when requested;*
- c. provide computer disks of data requested for those who have Braille Readers attached to their personal computers;*
- d. consider a computer bulletin board for city notices that might not be in accessible formats for everyone;*
- e. continue the relationship with whomever it is that the City contracts with for sign language interpreters;*
- f. obtain assistive listening device equipment (i.e., an FM or Infrared system is best) to broadcast meeting information in a way that individuals with receivers can control the volume;*

- g. develop training for staff that interact with citizens on a regular basis to sensitize them to the issues surrounding communications with people with cognitive impairments;*
- h. develop a brochure that outlines all communication issues that might be encountered by staff dealing with street and sidewalk issues.*

Appendix A

ADA Self Evaluation Questionnaire

To: Staff of the City and County of Honolulu, Hawaii

Respondent: Name/Title _____ phone # _____

From: ADA Consultants to the City and County of Honolulu

Date: _____

Re: Self Evaluation of Policies and Practices of the City and County of Honolulu - re: Curb Cuts, et. al.

ADA Self Evaluation Questionnaire

In ADA, Disability means...

- a. a person with a physical or mental impairment that substantially limits a major life activity;
- b. being regarded as having such an impairment;
- c. having a history of such an impairment.

Generally, disabilities are understood as...

- i. physical impairments (crutch, wheelchair, walker, etc.)
- ii. sensory impairments (visual, hearing or speech)
- iii. cognitive disabilities (retardation, head injury, etc.)

It is very important that we get a complete listing of all job descriptions of those who deal with curb ramps, streets (particularly resurfacing and reconstruction) or bus stops, to ensure that the activities of your agency are thoroughly reviewed!

Common reasons people with disabilities are denied services include...

- i. inability to communicate effectively;
- ii. facilities are inaccessible;
- iii. staff thinks "that person can't do this...";
- iv. accommodations are too costly;
- v. staff not flexible with policies.

This document is being distributed to a representative of each of the departments of the City and County Government that deal with streets, bus stops and sidewalks, as part of the process of compliance with the American's with Disabilities Act of 1990. That federal civil rights law protects people with disabilities from discrimination related to the services, programs and activities of city and county governments. The City and County of Honolulu has hired an ADA Consultant (Wilson Okamoto & Associates with Bill Hecker, AIA) to develop a strategy for evaluating these services, programs and activities relating to streets, bus stops and sidewalks (especially curb ramps). Your role in the process is to informally poll the staff in your office and answer the questions below honestly and with adequate detail for the ADA Consultants to determine what modifications (if any) might best be made to allow people with disabilities to benefit from the same opportunities that are available to other citizens. After you and the other departmental representatives have completed the questionnaires, the ADA Consultants will schedule an interview to review your responses and to seek clarifications on any specific areas that might have been misunderstood. There are no magic answers that we are looking for, just honest documentation of the current policies and practices of your office.

Issues related to Curb Ramps

1. On a separate sheet of paper (or the back of this sheet), describe exactly those activities your division is responsible for related to curb ramps, sidewalks, streets or bus stops, and who does those activities. Typically it is easiest to list the people in your office by title and then describe what they are responsible for doing next to their names. (Be as detailed as possible)...

2. Has any person with a disability contacted your office regarding a matter related to curb ramps, sidewalks, streets or bus stops, and been turned away without the opportunity to participate in the aid, benefits or services for which your division is responsible? If so, explain...

Example: A Water Board provides blind citizens their water bill in Braille so it is easily understood or the Park and Rec. Board provides swimming classes for those who can't walk.

3. Regarding *curb ramps, sidewalks, streets or bus stops*, have any of your staff provided services, aid or benefits to people with disabilities that were different from (ie: not equal to, or not offering the same opportunities as) those services, aid or benefits offered to others?
If so, explain...

Example: A Park and Rec. Board has a contract with a private company to sell refreshments at Softball games - this company discriminates against people with disabilities by not serving a girl with Cerebral Palsy - this reflects poorly on the City's Park and Rec. Board for contracting with someone who discriminates against people with disabilities.

4. Local governmental agencies are not allowed to contract with or provide "significant assistance" to other agencies of government or private companies/individuals that discriminate against people with disabilities. List any disability related complaints made against those with whom you contract or with whom you have working relationships related to *curb ramps, sidewalks, streets or bus stops*.

Example: It is not uncommon for those who appoint planning and advisory boards to make presumptions about the qualifications and limitations of people with disabilities and in effect, make certain that the concerns of the disability community are not well represented.

5. If your division/department has oversight of or develops planning or advisory boards related to *curb ramps, sidewalks, streets or bus stops*, have there been any disabled candidates for the planning or advisory boards that were not given an equal opportunity to participate?
If so, explain...

Example: A Fire Department makes no accommodations for a sixth grader who uses a wheelchair when her class takes a field trip to the Fire Station and the tour includes steps along the way - the disabled girl is not benefiting from the same opportunities that others in her class are given.

6. Has your agency directly or through contracts limited the rights, privileges, or opportunities of disabled persons relating to the enjoyment of *curb ramps, sidewalks, streets or bus stops* enjoyed by others?
If so, explain...

Example: If the Fire Department develops a "special" tour just for wheelchair visitors, it's fine - but, if the Fire Department then has a policy that wheelchair users can only go on "special" tours, the Fire Department is at risk of a discrimination claim.

7. Have disabled citizens ever been required to utilize a "special" program or activity relating to *curb ramps, sidewalks, streets or bus stops*, when others are allowed a different or standard type program?
If so, explain...

Example: When the City Council has a meeting to discuss issues of importance to students of a school for the Deaf, sign language interpreters were not provided for effective two-way communication during the public hearing.

Example: A special consideration given to a petition by a wheelchair user for a variance to build a short ramp in the sidewalk right-of-way might be appropriate by the board having that authority, since without the variance the prime entrance to his shop would not be accessible and would limit his ability to comply with the ADA barrier removal requirements for places of public accommodation.

Example: The attitude of the staff is often a very large part of a discrimination claim. Open, enthusiastic people with even a basic level of understanding regarding the needs and accommodation options available to people with disabilities, can thwart a potential law suit or complaint.

Example: A State has adopted the ADA Accessibility Guidelines (ADAAG) for all projects and in-house designers, as well as, contract designers are required by the contract to use that standard for accessible features of all capital improvement projects. The other alternative standard for ADA design compliance is the Uniform Federal Accessibility Standard (UFAS).

8. Are there any divisional or departmental policies or practices that might tend to treat disabled citizens differently when considering *curb ramps, sidewalks, streets or bus stops*, than the way other citizens that interact with your agency might be treated?
If so, explain...

9. Are there any divisional or departmental policies or practices that are specially designed to accommodate the needs and requests of persons with disabilities related to *curb ramps, sidewalks, streets or bus stops*?
If so, explain...

10. If there are any divisional or departmental policies or practices that are specially designed to accommodate the needs and requests of persons with disabilities relating to *curb ramps, sidewalks, streets or bus stops*, how would you rank the staff's attitude toward those programs?

- a. Very favorable toward the policies
- b. Favorable toward the policies
- c. Neutral toward the policies
- d. Unfavorable toward the policies
- e. Hostile toward the policies
- f. Not applicable - there are no special policies

11. In your work with other City/County personnel, what agencies have the best "track record" for dealing with people with disabilities relating to *curb ramps, sidewalks, streets or bus stops*, and what agencies have the most room for improvement?

12. When developing the plans for altering or building new *curb ramps, sidewalks, streets or bus stops*, what disability related factors are considered, if any?

13. When considering the selection of a procurement contractor for services related to *curb ramps, sidewalks, streets or bus stops*...
- have you rejected qualified disabled applicants?
 - have you developed criteria that would tend to eliminate otherwise qualified disabled applicants?
 - if so, explain...

Example: A Fire Department provides each new employee with a 1/2 day training course on specific procedures relating to communications and interactions with people with disabilities. Each employee also receives a pocket sized "cheat sheet" with specific accommodations provided by the Department for those with disabilities.

14. What training regarding "reasonable modifications" to policies, practices or procedures has your staff had and what has been done to accommodate the needs or desires of disabled citizens making requests for modifications of policies, practices or procedures related to *curb ramps, sidewalks, streets or bus stops*?

Example: A Library Board requires each person who applies for a library card to present a valid drivers license for identification - this would disallow many blind individuals who might benefit from books on tape or Braille media that is offered by the library because the blind user does not have a drivers license and no other form of identification is allowed.

15. Does your division have any "eligibility criteria" to determine who can benefit from the services, programs or activities of your staff relating to *curb ramps, sidewalks, streets or bus stops*?
If so, explain...

Example: A Park and Rec. Board offers summer swimming lessons for children at the new center city park, but if you are disabled, the "special" program is offered on the outskirts of town in a pool that is undergoing renovation and no one else is allowed to swim there - that is not a very integrated setting.

16. What steps have been taken by your staff to ensure that the benefits, services or advantages offered by your agency relating to *curb ramps, sidewalks, streets or bus stops* are offered in the most "integrated setting appropriate" to the needs of the citizens with disabilities?

Example: A Park and Rec. Board requires those who use wheelchairs to swim at the pool mentioned above on the outskirts of town and will not allow disabled swimmers at the center city pool - that is discriminatory to the disabled users.

17. Have any disabled citizens been required to accept a particular service or benefit offered by your agency relating to *curb ramps, sidewalks, streets or bus stops*?
If so, explain...

Example: To continue with the pool example, it would not be fair to charge the disabled pool users \$5.00 to use the pool on the outskirts of town when everyone else is only charged \$2.00 for the use of any of the pools in the park system, even if the City spent more money to make the pools accessible - the cost would have to be spread among all pool users.

Example: It is not appropriate for the School Board to disallow the admission of a 3rd grader in the elementary school just because the 3rd graders father has AIDS.

Example: While many of the discriminatory practices of a local governmental entity are based upon "unwritten rules", a surprising number of ordinances, policies and employee manuals actually detail actions that might be discriminatory to people with disabilities.

18. Is there a special fee or surcharge placed upon services or activities offered to people with disabilities to cover the costs associated with making the accommodations required by those disabled users for the service or activities related to *curb ramps, sidewalks, streets or bus stops*?

If so, explain...

19. Have services or activities relating to *curb ramps, sidewalks, streets or bus stops* been limited, withheld or otherwise modified from the way things are typically done for any person(s) with disabilities or from someone who may be associated with a person(s) with disabilities? If so, explain...

20. Are there any written policies relating to the services, practices and activities of your staff regarding *curb ramps, sidewalks, streets or bus stops*, and how do these policies address the issues related to people with disabilities?

Program Accessibility Issues

Example: If earlier ADA or 504 Self Evaluations were conducted, information that was obtained can be used in this evaluation.

Example: Not every facility in the inventory of City and County buildings needs to be accessible, if it can be shown that when "viewed in its entirety", the programs offered by the City and County are accessible to people with disabilities. The first step is to determine where every program is housed and if any "one-of-a-kind" features mandate certain facilities being made accessible.

Example: A good starting point for determining the issues that local disability organizations might focus on in the current evaluation of programs, services and activities is the determination of what type of complaints were handled in the past by the City.

Example: Special considerations are given to potential modifications to Historic facilities when evaluating program accessibility.

Example: "Special Accommodations" could be any of the following:

- a. relocating a service to an alternate accessible site;*
- b. providing home visits for those who can't come to the existing City and County facilities;*
- c. assignment of aides to beneficiaries;*
- d. redesign of equipment;*

1. Has your division participated in a previous ADA evaluation of the programs relating to *curb ramps, sidewalks, streets or bus stops*?
If so, explain...

2. Will you list (use GIS Maps or other documents if needed) all the *curb ramps, sidewalks, streets and bus stops* under your departments jurisdiction and list any unique City and/or County activities or programs that are served by those facilities?

3. Has your division/department received any complaints regarding the accessibility of *curb ramps, sidewalks, streets or bus stops*?

If so, explain...

4. Are any of the *curb ramps, sidewalks, streets or bus stops* under your departments jurisdiction part of a facility listed on (or qualified for listing on) the National Register of Historic Places or another State or local historic designation program?

If so, which ones...

5. Has your division/department made any special accommodations for people with disabilities that were not able to be served by existing *curb ramps, sidewalks, streets or bus stops*?

If so, explain...

Example: Limitations on the City's program accessibility requirements allowed under ADA...

- a. undue financial/administrative burden;*
- b. fundamentally altering the nature of a program;*
- c. destroying the historic significance of a building;*
- d. creating a direct threat to the safety of others.*

Example: Each public entity should have an established grievance policy that City employees are aware of and to which they can direct those who might have a complaint regarding the way people with disabilities are treated.

Example: One of the most common ways of mitigating the potential for law suits alleging discrimination based upon disability is to provide disability orientation training to those who have direct contact with the public or beneficiaries of City programs.

Example: It is critically important from a City policy standpoint that the facilities altered or improved in a way that affects usability (since January 26, 1992) be reviewed to determine if the design and construction was readily accessible to and usable by people with disabilities. There are also duties triggered by altering an existing facility (defined in ADA as "...any human-constructed improvements...to the natural environment...") that can potentially require a limited expansion of the original scope of work depending on whether UFAS or ADAAG is selected as the standard for accessible design.

6. Has your department ever relied upon a limitation available in the ADA to defend against a particular program accessibility request regarding *curb ramps, sidewalks, streets or bus stops*?
If so, explain...

7. Are you aware of the procedure for dealing with an accessibility complaint or claim of discrimination from a person with a disability regarding *curb ramps, sidewalks, streets or bus stops*?
If so, outline it below...

8. Have you or your colleagues received training on how to deal with issues relating to people with disabilities and the issues related to accessible *curb ramps, sidewalks, streets or bus stops*?
If so, explain...

9. On a separate sheet of paper, list all of the renovation, alteration and new construction projects related to *curb ramps, sidewalks, streets or bus stops* built for or under the authority of your division/department after January 26, 1992 - this list must include repaving projects, streets, sidewalks, curb ramp modification projects, pedestrian bridges or other pedestrian circulation projects.

Communications Issues

Example: "Qualified" sign language interpreters can typically speak 4 languages fluently:

- a. American Sign Language*
- b. Finger spelling in English*
- c. Oral Interpretation (lip reading)*
- d. Spoken English*

1. Is there a policy or procedure for addressing a request for a qualified sign language interpreter for people who have speech or hearing impairments and desire to conduct business or benefit from a program or activity relating to *curb ramps, sidewalks, streets or bus stops* offered by your division/department?

If so, explain...

Example: TDD/TTY devices are little computer-like text telephones that are used to type messages over the phone lines to another similar device that can read and can type messages back - some have printouts of the conversation for use in the future and there is a special "short hand" used during the calls. TDD stands for Telecommunication Device for the Deaf and TTY means Tele-typewriter.

2. How would a call relating to *curb ramps, sidewalks, streets or bus stops* from a deaf person who uses a TDD/TTY be dealt with in your office?

Example: A relatively recent development in communication aids for people who read Braille is the ability to translate in "real time" the information that others would see as text on a personal computer screen - therefor, information available on text bulletin boards or on computer disks or on the Worldwide Web (internet) is now available to many blind people who would otherwise have to have hard copies of documents printed by Braille printers.

3. Is there a way that some of the information that is made available to those who benefit from your activities relating to *curb ramps, sidewalks, streets or bus stops* could be placed on computer disks, a bulletin board or on a web site for access by those who might not otherwise have access to that information?

If so, explain...

Example: Alternate Formats for printed documents include...

- a. Large Print Documents (>16 pt.)*
- b. Braille Printing*
- c. Computer Disks*
- d. Audio Tapes*
- e. Computer Bulletin Board displays*

4. Are documents published for or by your division and relating to *curb ramps, sidewalks, streets or bus stops* made available in "alternate formats" for people that might not be able to read the standard printed documents?

If so, explain...

Example: Auxiliary aids and services for those with speech or hearing impairments include...

- a. Qualified Sign Language Interpreters
- b. "Real Time" Transcription
- c. Note taking (not good for critical situations)
- d. Open or Closed Captioning
- e. Assistive Listening Devices
- f. TDD/TTY Telephone Devices
- g. Telephone Relay Services

5. Is there a policy or procedure for addressing a request for an auxiliary aid, device or service for people who have speech or hearing impairments and desire to conduct business or benefit from a program or activity relating to *curb ramps, sidewalks, streets or bus stops* and offered by your division/department?

If so, explain...

Example: Auxiliary aids and services for those with visual impairments include...

- a. Large Print Documents (>16 pt.)
- b. Braille Printing
- c. Computer Disks
- d. Audio Tapes
- e. Computer Bulletin Board displays
- f. Readers to read material
- g. Audio Description of Performances
- h. Assistants for Guided Description of Items
- i. Staff Assistance with Wayfinding

6. Is there a policy or procedure for addressing a request for an auxiliary aid, device or service for people who have visual impairments and desire to conduct business or benefit from a program or activity related to *curb ramps, sidewalks, streets or bus stops* and offered by your division/department?

If so, explain...

Example: Auxiliary aids and services for those with cognitive disabilities (learning disabilities, mental retardation, head injuries, etc.) include...

- a. Staff Assistance with Wayfinding
- b. Readers to read material
- c. Instructions in simple graphics/pictograms
- d. Simple repetitive signage and area designations
- e. Patience on the part of Staff
- f. Calm, clear, non-patronizing Staff Directions

7. Is there a policy or procedure for addressing a request for an auxiliary aid, device or service for people who have cognitive disabilities and desire to conduct business or benefit from a program or activity related to *curb ramps, sidewalks, streets or bus stops* and offered by your division/department?

If so, explain...

Example: One of the most worrisome aspects of independent travel by those with hearing impairment is being in a secluded area of a building when there is an emergency situation like a fire or bomb threat.

Independent travel by many people who are blind is complicated by the element of confusion present in many emergency evacuation situations.

8. How are people informed of an emergency situation that might arise while visiting your offices to conduct business relating to *curb ramps, sidewalks, streets or bus stops*?

Example: Assistive listening devices are used by people with hearing impairments to amplify audible communication during a meeting or performance. There are a host of different systems (infrared, hardwired, FM units, etc.) available for this use.

9. Are there special assistive listening devices available for meetings relating to *curb ramps, sidewalks, streets or bus stops* conducted by your staff in rooms where public address systems are utilized?

If so, what types...

Example: Again, it is important that people with disabilities be given the same opportunities to benefit from the services or activities offered by the City.

10. Do you print maps, reports, books or other documents relating to *curb ramps, sidewalks, streets or bus stops* that are available to the public? If so, list them...

Example: Accessible alternate means of communication of announcements and legal notices include...

- a. newspaper*
- b. large print mailings*
- c. distribution to disability organizations*
- d. computer bulletin boards*
- e. radio reader services of public radio*
- f. TV and Radio PSA service*

11. Do you make public announcements or legally notify the public about projects, meetings, etc. related to *curb ramps, sidewalks, streets or bus stops*? If so, how are they made?

Appendix B

Summary Meeting Minutes from the November 1, 1997 Public Information Meeting

Summary Meeting Minutes

City and County of Honolulu
**SELF EVALUATION AND TRANSITION PLAN FOR
ACCESSIBLE STREETS AND SIDEWALKS**

Public Information Meeting

Saturday, November 1, 1997
Tokai University at Honolulu, 8th Floor
2241 Kapiolani Boulevard
Honolulu, Hawaii 96826

Attendance: See Attachment 1, Sign In Sheet

Agenda/Handouts: See Attachment 2

1. The public information meeting on the City and County of Honolulu's Americans with Disabilities Act (ADA) Self Evaluation and Transition Plan for Accessible Streets and Sidewalks was convened by Mr. Earl Matsukawa of Wilson Okamoto and Associates (WOA). WOA has been contracted by the City and County of Honolulu (City) Department of Public Works (DPW) to prepare the Self Evaluation and Transition Plan. Mr. Matsukawa encouraged everyone to sign-in and explained that the meeting was being taped to assist in preparing summary minutes of the proceedings.
2. Mr. Matsukawa introduced:
 - a. Mr. Nick Kakaroukas of the City's Managing Director's Office who is the City's ADA Coordinator;
 - b. Mr. Bill Hecker, a nationally recognized expert on ADA accessibility issues, who has been retained to oversee and participate in the project;
 - c. Staff from the City's Departments of Public Works and Transportation Services (DTS);
 - d. Sign language interpreters; and,
 - e. Staff from Wilson Okamoto & Associates, Inc. who were supporting the meeting.
3. Mr. Nick Kakaroukas reaffirmed the City's commitment to the project, citing portions of a May 1997 press release by Mr. Robert Fishman, Managing Director. The press release followed Judge David Ezra's approval of the

consent decree requiring the City to prepare the Self Evaluation and Transition Plan.

4. Mr. Matsukawa explained the purpose of the meeting was to present findings, answer questions, discuss and receive comments on the Draft Self Evaluation report prepared by Mr. Hecker. He explained that the Self Evaluation is part of a larger project that includes the preparation of a Transition Plan to address issues identified in the Self Evaluation.
5. Mr. Matsukawa presented a graphic showing the overall schedule for the project and identified where the current public information meeting was located in the process. Two additional informational meetings will be held in conjunction with the Transition Plan phase of the study: one to explain the methodology; and, a second to discuss the findings and recommendations.
6. Comments on the Draft Self Evaluation report can be provided orally at this meeting or sent in writing up to November 16, 1997 for consideration in preparing the Final Self Evaluation report. Attached to the agenda was a self-addressed form for the convenience of anyone wishing to send in written comments. Several copies of the Draft Self Evaluation Report were available for review at the meeting. Also, copies of the document could be mailed to individuals upon request, including formats in Braille and large-print. Reports in Braille and large print were also available in public libraries and at City Hall and satellite city halls.
7. Mr. Bill Hecker presented an overview of the methodology used in conducting the Self Evaluation, including:
 - a. Development of a questionnaire which focused on three self evaluation issues related to streets and sidewalks:
 - General non-discrimination in the handling of matters raised by persons with disabilities with respect to aids, benefits or services (Title 2 of the ADA);
 - Program accessibility with respect to programs, policies, procedures and opportunities made available to the citizens of Honolulu that need to be inclusive of people with disabilities; and,

- Communication between agencies and persons who wish to get more information about the condition of streets and sidewalks and to report concerns and complaints about the accessibility of streets and sidewalks.
 - b. The questionnaire was distributed to City agencies with jurisdiction over streets and sidewalks to complete.
 - c. The responses to the questionnaires were reviewed and follow-up interviews were conducted with all respondents to elicit more detailed information pertinent to the evaluation.
 - d. All the information collected was then reviewed to prepare the Draft Self Evaluation report which summarizes the findings and recommendations.
 - e. This public information meeting is needed to complete the Self Evaluation report by addressing the concerns of the public.
 - f. After review and comment, the Draft Self Evaluation report will be revised and the Final Self Evaluation document prepared for City Council review and adoption.
 - g. Implementation by agencies would follow.
8. Mr. Hecker reviewed the agencies encompassed by the Self Evaluation:
- a. Department of Public Works
 - ADA Coordinator - Mr. Gregory Sue, Chief, Control Section.
 - Division of Road Maintenance - Repairs and maintains streets and sidewalks. Also, investigates complaints relating to inaccessible streets, sidewalks and curb ramps.
 - Division of Engineering - Administers programs related to street and sidewalks. Control Section prepares construction and design standards, reviews designs and administers contracts for work on streets and sidewalks. Highway Section plans and designs street improvements, including those for the on-going

curb ramp modification program known as the Wheelchair Ramps at Various Locations.

- b. Department of Transportation Services
- ADA Coordinator - Mr. Garrett Goo, Executive Assistant.
 - Traffic Engineering Branch - Responsible for striping crosswalks.
 - Plan Review Branch - Reviews plans for crosswalks, roadway geometrics, and on-street parking which is a national ADA accessibility issue.
 - Coordinates Oahu Transit Services Corporation contract for operating HandiVan. Former Committee on Accessible Transit (CAT).
 - Public Transit Division - HandiVan paratransit services which complements The Bus. Also develops plans and specifications for bus stops, and shelters. Pursuing concurrent effort to review bus stops and bus shelters throughout the City.
 - Division of Transportation Management - Plan Review Branch - bus stops, bus stop pads, signs, shelters.
- c. Office of Information and Complaint
- Fields complaints, including those on accessibility.
 - Forwards complaints to appropriate agencies such as DPW and DTS.
 - Has Telephone Device for the Deaf (TDD/TTY) telephone access for speech or hearing impaired.
- d. ADA Coordinator - Mr. Nick Kakaroukas - overall coordinator of City activities for ADA compliance.

- e. Department of Community and Social Resources - Mr. Mark Au, staff liaison for the Mayor's Committee on People with Disabilities (MCPD). Until recently was primarily involved with the prioritization of curb ramp locations.
9. Mr. Hecker reviewed concerns he has identified regarding the policies and practices relating to streets and sidewalks:
- a. General Non-Discrimination Issues (Inequality of benefits)
 - Request-based process - Requests for curb ramps are put on a list which has led to a large backlog of requests and no timetable for implementation. This is counter to ADA requirements for program accessibility and specifically for transition planning. The remedy is to prepare the on-going Transition Plan.
 - Lack of accessible bus stops - A significant portion of the approximately 3,700 bus stops in the City are not accessible. A significant portion probably cannot be made accessible. The City is currently evaluating each bus stop to determine how it can be made more accessible or to insure that it is accessible. The CAT can play a significant role in directing the issues related to the evaluation of bus stops.
 - b. Limitation of rights and privileges and opportunities
 - DPW standard detail for curb ramp designs - Was revised to comply with ADA Accessibility Guidelines (ADAAG) in September, 1992.
 - Standard detail for driveway aprons creates cross-slope for sidewalk users and is a islandwide problem. The immediate correction is to develop an alternative driveway apron detail. Physical correction can be achieved over time during alteration projects for sidewalks. There is a needs to balance accessibility with automobile access.

At this point, Mr. L.B. Phillips noted that the Federal ADA establishes wheelchair access as a civil right, whereas there is no comparable law guaranteeing the right of drivers to access driveways without "bottoming out."

Mr. Hecker responded that while he knew of no federal protection for drivers in that regard, it might be a problem to balance the absence of a federal civil right against the dire distress of many residents in a community if they were to lose such access to driveways.

Mr. Phillips stated that if it poses such a problem, the community should lobby their legislators to get federal automobile civil rights. Until they do, there is no question as to the law. There may be a policy question but there is no legal question.

Mr. Hecker suggested that comments on the subject be shared in writing.

- When streets are resurfaced, the thick edge that can form at the bottom of the curb ramp can be a hazard. This problem can be resolved by planing the street at the base of the curb ramp to provide a flush transition to the curb ramp.
- Resurfacing is an alteration and, therefore, requires that the path leading up the resurfacing be accessible. Thus, streets resurfaced since January 26, 1992 are candidates for immediate curb ramp projects as part of the Transition Plan. This probably the most expensive resolution identified.
- Traffic Standards Manual

Language relating to detouring of handicapped pedestrian traffic on high-volume streets is "paternalistic and stereotypical."

At this point, Ms. Sheryl Nelson requested clarification of the detouring policy - who makes the decision and what criteria do they use? It was clarified by Mr. McConnell that Mr. Hecker's recommendation is to omit that statement not to promote it. Ms. Nelson concurred.

Recommend omission or revision of the statement so as not to imply a "paternalistic, stereotypical" approach to accessibility.

The distance specified between the edge of a crosswalk and the bottom landing of a diagonal curb ramp has since been amended to comply with ADAAG.

At this point Mr. McConnell pointed out that the State law requiring this has been in place for 17 years. What is the City going to do about correcting all the violations that have occurred in the interim? Mr. Hecker stated that each of these violations will be identified and recommendations incorporated in the Transition Plan.

Mr. L.B. Phillips asked if there would be recommendation to adopt a policy to avoid diagonal curb ramps wherever possible. Mr. Hecker responded that there is an amended DTS design detail for using two curb ramps and crosswalks set further back from the center of intersection. The application of the design detail, however, is somewhat discretionary and the Self Evaluation raises this as a concern.

- c. Special Accommodations - demonstration of addressing accessibility issues in the past
- Curb Ramp at Various Locations project - initiated in 1973 and modified about 1,500 intersections. The entirety of this project will be addressed by the Transition Plan.
 - HandiVan service that accommodated many people with disabilities to complement The Bus service. As bus service is made more accessible, reliance on the HandiVan should decrease.
 - MCPD and CAT have provided opportunities for disability community to present concerns. The Transition Plan will address many of the concerns that could not be adequately addressed by the MCPD.
 - Alterations and New Construction Standards - Prior practice of emphasizing the use of standard curb ramp over a specifically engineered solution will be addressed by the on-going Transition Plan. All non-compliant curb ramps that affect program access will need to be corrected as part of the Transition Plan. In particular, many of these ramps are too steep and pose a tipping problem for wheelchairs.

Mr. McConnell requested Mr. Hecker to amend his assessment to note that as recently as 1996, a curb ramp in Waikiki was built with a 12 percent slope. Mr. Hecker concurred, indicating that as recently as when he completed his assessment about two weeks prior to this meeting, that the potential existed for the practice of relying on design details as opposed to an appropriately engineered solution.

- No evidence found of problems associated with the denial of access to services, significant assistance, planning and advisory board discrimination, differential treatment or eligibility/selection criteria for procurement contracts.

Mr. Larry Hitchcock commented that there are city agencies specifying that only agency members are able to sit on advisory committees, namely the CAT. In other words, they are an agency-only committee. He further stated that CAT should have a disabled member and that he was denied an application to be a member of the Commission on Transportation.

Mr. Garrett Goo clarified that the Transportation Commission was formed in July when the Public Transit Authority was dissolved on June 30th. The seven commission members are chosen half by the City Council and half by the Mayor.

Mr. Hecker stated that he would look into this.

Mr. L.B. Phillips raised a question regarding the newly constructed three-quarter miles of sidewalk on Salt Lake Boulevard from the Stadium Mall to Costco. There are telephone poles in the middle of the sidewalk with planters around the base of the telephone pole.

Mr. Kakaroukas stated that the poles are currently holding Hawaiian Telephone Co. utility lines and electrical lines. All utility lines will be placed underground, however, they cannot be moved until the underground conduits are operational. The City's contractors are completing the makai side of Salt Lake Boulevard, and will be working on the mauka side. Since the project is being done in phases, removal of the poles at this time would disconnect phone and electrical service in that area. When the project is complete, the wooden poles will have been removed and the sidewalks will be accessible. The sidewalks are now open to the public when previously there were no sidewalks on that street; but, there currently are barriers until the poles can be removed. In response to a complaint from a wheel chair user, the DPW has been contacted to post signs notifying the public of the barriers in the sidewalk.

Mr. McConnell stated that these actions are in direct violation of the law. The sidewalks are put in and can be used by those who walk while those in wheel chairs must wait.

Mr. Hecker stated that he understands the phasing issue, but it would be more appropriate to close the sidewalk until it can be used by everyone.

Mr. Phillips asked how long the situation would persist.

Mr. Kakaroukas stated that he would check into it but work on the mauka side of the road had not commenced yet.

Mr. Hecker stated that this situation is reflective of what he had discussed under the new construction standards. The project was designed in a way that did not reflect the requirements for a new construction project.

Mr. Hitchcock commented that in Kailua where he lives, there are no sidewalks on many streets. Since he must travel in the street, he has equipped his chair with a blue light that makes some drivers slow down thinking he is a police vehicle. He also stated that the asphalt on some streets is being lifted by tree roots creating unsafe bumps. These bumps, along with the bumps at the bottom of sidewalks and curb ramps, are not only jarring if the chair is not equipped with a cushion or pad, but causes damage to the bearings in the front wheel of his motorized chair which he was had to replace every three months.

Mr. Kakaroukas requested a confirmation from Mr. McConnell that he preferred closing the Salt Lake Boulevard sidewalk until it can be used by everyone. Mr. McConnell stated that it was not a matter of his preference, it is what the law requires.

Mr. Hecker also stated that if the project is incomplete it should not be occupied or used until it complies with the Federal law. He also stated that he would do a site inspection of the project.

Mr. Hecker continued to wrap-up his findings on special accommodations noting that he did not find any specific evidence of discrimination with regard to:

- Integrated Setting;

- Surcharges for using accessible features related to streets and sidewalks;

Mr. Phillips raised the question of the ten dollar charge imposed by the City for obtaining an accessible-parking placard. Mr. Hecker indicated that this was not within the scope of the self-evaluation.

- Historic Programs related to the preservation of sidewalk or street features;

Mr. McConnell stated that most of Downtown's sidewalks are historic in nature. An environmental impact statement for a Hotel Street project stated that curbs cut from rock are considered historically significant. On King Street there is an iron ring that was used for a horse tie which is also historically significant. It was determined, however, that removing corners and putting in curb cuts would not affect the historical significance of these features.

- Technical Infeasibility - Site conditions that make standard compliant design impossible. At the next public meeting on the Transition Plan, some of the findings that may fall into this category will be discussed. Comments in this regard will be reserved until technical criteria can be developed for public dissemination.
- Communications Issues - Includes accommodations for accessibility, hearing, speech or vision impaired at public meetings or for telephone accommodations. Limited efforts have been made and improvements in accommodations are recommended.

10. Mr. Hecker called a recess and subsequently reconvened the meeting to ask questions and receive comments.
11. Ms. Sheryl Nelson requested that introductions should be done in a more accessible format. With regards to the Draft Self Evaluation, the focus seems to be limited to people with mobility disabilities, there are no concerns for people who are blind or visually impaired.

Ms. Nelson commented that given the complaints received at the meeting, it is difficult to believe that people with disabilities have not been discriminated against.

As a bus user, she is unable to use the bus stops near her home because there are no markings or identifications. She walks four blocks to bus stops that have markings that make them accessible to the blind.

Mr. Hecker commented that the scope of the Self Evaluation was the current City policies and practices regarding streets and sidewalks. The Transition Plan will address the physical issue of crosswalks and sidewalks as related to the blind.

Ms. Nelson continued that the document discusses the issues of diagonal curbs and people in wheel chairs however, there is no reference to the blind. For example, in Waikiki there are sidewalks with no curb ramps or transitions. Thus, she is unable to determine that she is walking into the street. She will put the specifics of this situation in writing in her comments to the self evaluation.

Mr. Hecker requested Ms. Nelson to document any helpful tactile warning systems that she has had experience with.

12. Mr. L.B. Phillips commented on the lack of outreach into the community for their input. The short notice and lack of publicity for the meeting does not provide sufficient outreach. Mr. Kirby Shaw of the Commission on Persons with Disabilities has a quarterly newsletter which would be the most effective means of reaching the target group, which are persons with disabilities.
13. Mr. McConnell's comments:
 - a. Requested that more be done in the way of public dissemination of information prior to public meetings. Hawaii Centers for Independent Living (HCIL) is limited in their resources and their mailing list only goes out to their clients. He found out about the meeting from a TV reporter;
 - b. In the future it would be appreciated if the site was evaluated prior to selection to ensure that it is accessible. The current facility does not have accessible bathrooms or an accessible sidewalk route;

- c. Regarding the HandiVan system, the disabled are eligible to ride HandiVan if bus stops are not accessible. When City buses became lift-equipped, the HandiVan system was re-evaluated and it was determined that if you are physically able to ride the bus, you are no longer eligible to ride HandiVan. He is not eligible for HandiVan service but he is also unable to ride the bus because the bus stops are not accessible.

Mr. L.B. Phillips stated that he read in the HandiVan plan that if you live where the bus stop is not accessible you are eligible to ride HandiVan.

Mr. Hecker clarified that Patricia Nielsen notified him that HandiVan was not aware of the policy.

Mr. McConnell clarified that even if HandiVan was available, accessible bus stops are still a necessity;

- d. Mr. McConnell is not confident about the City preparing brochures without Mr. Hecker's assistance. City employees receiving the brochures may ignore them. He would be much more comfortable with hands-on training. He is going to insist that the report include hands-on training for city employees, specifically employees that interact directly with the public;
- e. The City Office of Complaint is not an acceptable compliance to the ADA complaint procedure requirements. Certain requirements of ADA procedure are ignored, such as the right to due process. Every complaint must be written up. Currently, there is no complaint form. The complaint procedure needs to be formalized and should be handled by one person, namely the ADA Coordinator.

Mr. Hecker commented that he knows that the Office of Complaint will receive these calls, and his recommendation will be that the calls be referred to the ADA coordinator.

- f. The Draft Self Evaluation report makes no mention of people that are blind. If the report mentions specific issues that affect people in wheelchairs, it also needs to mention issues that affect the blind; and

- g. Regarding technical infeasibility, if the City's quarterly report states that a curb ramp cannot be built, he will go to the judge, and hire his own engineers. It will be the judge's decision that it is technically infeasible to build a curb ramp. Mr. McConnell will not allow the City to determine technical infeasibility.
14. Mr. Albert Tepedino commented on the #9 and #3 buses and bus stops along Kapiolani Boulevard. At the bus stop near the intersection with Date Street: there is no curbing; the blacktop is irregular, causing puddles when it rains; there is usually a panel truck and another car parked near the sidewalk taking up part of the sidewalk; and, there is a trash bin that usually extends into part of the sidewalk. Because of this he has been told on occasion he is walking in the street. What can be done to remedy this situation?

Mr. Hecker stated that it would be remedied through the Transition Plan.

15. Ms. Bertha Day asked what could be done for the blind that have to cross Iwilei Street from the Human Services Building to the bus stop. She has been told that the City is putting in 13 blocks of curb ramps but that the City had no money for audio signals for the blind.

Mr. Hecker stated that he would investigate the situation and that it would be addressed through the Transition Plan.

16. Mr. James Wright stated that the requests of the disabled are so fundamental that the absence of change speaks volumes about why nothing will get done. Until people are afraid of being sued they won't do anything. When they are sued, they dig their heels in and use the legal process to stall. To date, there has been no commitment by the City at the level required to make the changes. There are people who are sincere but they are under-funded. As a result, the only way to get results is to sue.
17. Mr. Mark Yabui read comments by Mark Obatake, Executive Director of HCIL, transmitted in a letter to Wilson Okamoto and Associates dated October 31, 1997, reproduced herein as Attachment 3.
18. Ms. Patricia Nielsen commented that the HandiVan system is a complementary service for people who are unable to ride the bus, including those who do not have accessible equipment on their route or who do not have an accessible route to the bus stop. She recommended that references to the HandiVan as

the "administrative solution" be deleted. It should be stated that it is a complement to fixed-route transit just like it states in the ADA. Paratransit should not be viewed as a solution for access; it is simply a service option. The fixed-route system needs to be made accessible.

Mr. Hecker clarified that the reference to the HandiVan as an administrative solution was only in the interim between the time inaccessible bus stops are identified and the time those bus stops are made accessible, if possible. Can anyone offer an alternative to the HandiVan?

Ms. Nielsen stated that she would like to see a push toward accessible taxis in the city; it is an area she views as neglected. Taxis in other areas buy vans and provide a service.

Mr. Hecker stated that, in the long-term, it is the focus of the ADA that the most integrated setting possible be provided. This would mean the same use of The Bus as by anybody else.

Ms. Nielsen concurred.

19. Mr. Larry Hitchcock asked if Mr. Hecker would make the commitment to ensure the City complies with the ADA requirements.

Mr. Hecker responded that the presiding judge has required that his contract include not only the Self Evaluation and Transition Plan preparation phase, but also extend through plan implementation to insure that recommendations to bring the City into compliance with the ADA are realized.

20. Ms. Francine Wai, Executive Director, Commission on Persons with Disabilities presented the Commission's written comments dated November 1, 1997, reproduced herein as Attachment 4.

Mr. Hecker responded that the comments and recommendations made were relevant and will be addressed in the Final Self-Evaluation report.

21. Mr. James McConnell clarified that Federal Department of Justice considers a public sidewalk a program. If he is denied access to the sidewalk, he is being denied access to a public program. The sidewalk need not go anywhere. He doesn't accept the City's narrow interpretation of a program as City Hall, Satellite City Halls, or parks.

ADA Self Evaluation and Transition Plan
Public Informational Meeting - November 1, 1997
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22. Mr. Larry Hitchcock stated all City departments should be TTY accessible.
23. Ms. Sheryl Nelson requested that for future meetings, all written materials need to be made available in alternate formats, for example signs posted for coffee and agendas.
24. Mr. Hecker thanked those in attendance and closed the meeting.

CITY AND COUNTY OF HONOLULU
 SELF EVALUATION AND TRANSITION PLAN
 PUBLIC INFORMATION MEETING

Tokai University

Saturday, November 1, 1997

PLEASE PRINT LEGIBLY

First Name	Last Name	Home Phone	Work Phone	Fax No.	Organizational Affiliation	Mailing Address	Town	Zip Code
Bertha	Day	944-4955			Elderly Blind Services	111 Ala Moana Blvd #256		96815
James	McConnell	923-4091		Same		2115 Ala Wai Home #1 96815		96815
PATRICIA	NIELSEN	836-3145	454-5015	454-5015	Paratransit Services	1200 Waimanalo Home #1 Pearl City		96792
Kristine	Takamoto	923-9724	922-5413	522-5427	HELL	414 Kuwili St. Ste 102 Honolulu		96817
Kathy	Shan	944-0828	586-8121	943-1689	WOMANS	425 Fern Rd Apt 706-A Honolulu		
Sheldale	Lowland	586-8021	672-5181	586-8029	CPD	919 Ala Moana 101		96814
Francine	Wai	942-9335	586-8121	586-8129	CPD	519 Ala Moana 101		96814
GARRETT	GOZ		527-5890		DTS	711 KAPOLANI STE 1200		96813
Maril	Yabuni	734-3142	522-5414	522-5427	HCIL	414 Kuwili St #102		96817
MURNA	Nakamura	691-1887			MIPA	91-2212 #1 WAIKANE RD.		96706
Albert	Tepedino	946-6070				601 KAMOKU ST #502	Hon.	96826
HAROLD	SATO		527-6244	527-6103	DPW	650 S. KING ST.	Hon	96813
LARRY	Hitchcock	263-8103	527-6244 527-5888		SEIF	P.O. Box 1094	KAILUA	96734
Gregory	Sue		523-4732	527-6103	DPW	650 S. King St	Hon	96813
L.D.	PHILIPS		533-4257		ATTY	960 FORT ST #1620		96813

AGENDA

Public Information Meeting
for
Americans with Disabilities Act
**Self-Evaluation of Policies and Practices
Related to Streets and Sidewalks
City and County of Honolulu**

November 1, 1997
10:00 AM
Tokai University
Honolulu, Hawaii

1. SIGN IN
2. WELCOME/INTRODUCTION
3. PURPOSE OF MEETING
4. PRESENTATION BY MR. WILLIAM F. HECKER
5. QUESTIONS/COMMENTS
6. ADJOURNMENT



A non-profit organization run by and for persons with disabilities

Hawaii Centers for Independent Living
414 Kuwili St., Suite 102
Honolulu, Hawaii 96817

PH: (808) 522-5400
FAX: (808) 522-5427
TTY/TDD: 522-5415

October 31, 1997

Wilson Okamoto & Associates, Inc.
Engineers and Planners
1907 South Beretania Street, Suite 400
Honolulu, HI 96826

Dear Sir or Madam:

On behalf of the Hawaii Centers for Independent Living, we would like to thank you for this opportunity to respond to the City and County of Honolulu's Self Evaluation findings in regards to the Americans With Disabilities Act. We commend the efforts of the present administration in moving towards a more inclusive community. As a practical issue, a community that incorporates universal design enhances the participation of all its citizens.

There are three distinct comments that we wish to make at this time. The first addresses the issue of disability awareness on the part of the City's service staff. The second highlights accessibility needs of people with visual impairments. The third identifies a mandate for program access.

Several references are made in the self evaluation document for the distribution of a disability awareness brochure. It is proposed that this mechanism will provide city staff with the means to deliver appropriate services to citizens with disabilities. We have experienced that a written document is not enough to ensure the quality of services rendered. We recommend that training be provided to augment the distribution of the brochures. Training should be based on the content of disability awareness and customer service. There are several resources in the community to provide this training.

In the discussion of curb ramps, the focus of design needs to include how people with visual impairments use the edges of the sidewalk to orient themselves to the crosswalk. Many curb ramps are constructed in a 45 degree angle from the crosswalk (on the corner), causing the person to walk into the intersection instead of the crosswalk. Additionally, the installment of audible crosswalk signals is needed. The sound should notify the person for two things, when to step on to the road and which direction to walk towards.

The self evaluation document notes that the "path of travel" needs to be considered for accessible alteration whenever construction is being implemented. It also identifies that priorities need to be made when the path of travel alteration exceeds 20 percent of the original construction costs. We recommend that final policies state the Title II mandate for all local government entities to be programmatically accessible, regardless of physical access. We want to avoid any misunderstanding that the path of travel limitation may connote the full extent of the City's commitment to access.

Thank you for considering our suggestions.

Sincerely,

Mark T. Obatake
Executive Director





COMMISSION ON PERSONS WITH DISABILITIES

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121(V/TDD) • Fax (808) 586-8129

November 1, 1997

COMMENTS TO THE CITY AND COUNTY OF HONOLULU

RE: Draft Self Evaluation and Findings
Services, Policies & Practices related to Streets and Sidewalks

The following represents staff technical comments on the October 14, 1997 Draft for Public Review of the City and County of Honolulu Self Evaluation Findings. Comments represent the technical concerns of staff and do not reflect a formal position of the Commission.

Our analysis was made difficult because we were unable to ascertain the nature of the documents reviewed to ensure completeness of the self-evaluation process. Nonetheless, our comments are as follows:

Format of Recommendations/Actions

In general, we are concerned about the format of the document which has all the City's actions as "pending". The report lists the consultant's recommendations apart from the City's actions. Our concern is that the Self-Evaluation Document should not be a consultant report prepared to the city but on behalf of the City. It is a statement of findings (which are listed), followed by an affirmative statement of correction action to which the City has made a commitment. We are assuming that the final report will not have recommendations, but only City statement of a commitment in action in response to the findings.

§35.105 Self-evaluation (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

Denied Access to Services (Item 2, Pg. 5)

This paragraph is very specific in stating that there are no accounts of denial of access to services to people with disabilities to those offices of the city and county that deal with matters relating to accessible streets and sidewalks. Although this statement may be accurate in its limited applicability, it is misleading. It is inaccurate when it concerns all the programs, services, or activities of the City that accessed primarily by the use of city streets and sidewalks. For example, the Open Market Program is administered by the City and is usually located in parking lots of

city-owned parks. Consumers with disabilities have called our office to complain about the lack of curb ramps to streets abutting the Open Market sites. Recently, a newly constructed curb ramp installed by the city failed to connect the curb ramp to an accessible route on a city sidewalk to a site primarily used for the Open Market in that community, thus denying the equal opportunity to participate in that program.

Limitation of Rights, Privileges, or Opportunities (Item 7, Pg. 7)

This section appears to be an analysis of standards and other policies which have had the effect, when applied, of limiting opportunities of people with disabilities. We strongly concur with the majority of the analyses of the existing details and emphasize that this report is not the first time that the discrepancies have been brought to the attention of the City.

Under Accessibility Concerns B and D concerning driveway aprons and alteration of streets, there is discussion regarding the inclusion of 20% maximum budget for "path of travel" to take corrective action on adjacent problems. We concur with the problem statement and ask that the report specify more definitively how the City plans to implement this requirement in order to make this truly effective, and we do not see a realistic way to monitor this recommendation.

Under Accessibility Concern C, we recommend that the vertical lips be flush with no 1/4" vertical transition allowed. We believe that the 1/4" vertical transition allowed under ADAAG is for a 'change in level'; we believe that the intersection of a roadway and a ramp is not really a change in level, and therefore should be flush.

In addition to those listed, we suggest that the following were not considered or analyzed:

- The placement on trash and refuse on the sidewalks severely blocks access, particularly on the regularly scheduled trash days and in areas of town such as Chinatown, where trash is routinely placed outside. What policies of the City govern trash location which permit this to occur and what will be done about it?
- The placement of other obstructions, such as the receptacles for free literature, also severely blocks access. What policies of the City govern the placement of items on the sidewalks which permit this to occur and what will be done about it?
- Repair and maintenance of the streets often involves closing off a section of the roadway to pedestrian traffic and detouring traffic, usually across to an alternate street. When this occurs, there is no assurance of an accessible route and citizens have complained about being led around a work area as a detour only to hit a curb ramp and inaccessible route. What policies of the City govern maintenance projects which permit this to occur and what will be done about it?
- Poor location of trees planted often results in severe root damage to the sidewalks causing heaves in the concrete and an unsafe route. What policies of the City

govern the location of trees planted which permit this to occur and what will be done about it?

- Removal of an existing crosswalk with curb ramps at each end often renders an accessible route discontinuous. This has occurred in the City (ex. crosswalks at Ala Wai Blvd.). In the past this has made it impossible for people with disabilities to cross streets previously used. Several instances of tickets being issued by the Police for jaywalking have occurred because disabled individuals have been forced to cross unsafely because there is no other route available to them. What policies of the City govern the removal of an existing sidewalk and what will be done to ensure that public input is received prior to the action to ensure that existing accessibility is not lowered or that an alternate route is replaced when a crosswalk is removed.

Relevance of Handi-Van (Item 7, Pg. 10 and Item 9B, Pg. 11)

In two sections, the Report states that Handi-Van is an appropriate alternative to the lack of access at the sidewalks and might meet the needs for those who might not be able to use TheBus due to inaccessible streets and sidewalks. We believe this is an erroneous belief on the part of the City. All public entities who operate a fixed route system have to provide paratransit service that is both comparable and complementary to the fixed route service. The operation of Handivan meets the city's requirement for paratransit service which is comparable and complementary to TheBus fixed route service. It is not the intent of the U.S. Department of Transportation's rules and regulations to use paratransit as a special program for those individuals with disabilities who might not be able to use TheBus due to the inaccessibility of streets and sidewalks. Section 37.123 of the Department's rules relates to eligibility for paratransit, and it states "...in cases involving lack of curb cuts and other architectural barrier problems, assertions of eligibility should be given tight scrutiny. Only if it is apparent from the facts of a particular case that an individual cannot find a reasonable alternative path to a location should eligibility be granted." We believe the section relating to Handi-Van should be removed from this Self-Evaluation.

Wheelchair Curb Ramps at Various Locations (Item 9A, Pg. 10)

This section places the City's policy of installing curb ramps at intersections per the 1973 list entitled "Wheelchair Ramps at Various Locations" under the heading of "Special Accommodations by the City". We find this to be inappropriate, because it infers that any citizen could obtain a curb ramp installation upon request, to enjoy the aid, benefits, or services offered by the City in the same manner that a person can request a Sign Language Interpreter, Braille, etc. for an event. While we concur with the content of the paragraph and the recommendations, we do not agree that it belongs under this section as a "Special Accommodation".

Alteration and New Construction Standards (Item 10, Pg. 11)

The issue here is not the standards, per se, which were discussed earlier, but the failure to adhere to a consistent and rigorous procedure which requires that all plans and specifications for the construction of state and county buildings and facilities be reviewed by the Commission on Persons with Disabilities. As an example, in FY 96-97, the following numbers of projects (plans) were submitted for review by our office (Public Works = 30; Transportation Services = 5; Building Department = 1). The City undoubtedly undertook more than this number of projects involving public rights-of-way, yet they were not submitted to the Commission for review. This is an identified deficiency. A recommended solution would be to have an Executive Memorandum from the Mayor which conditioned the construction of a project on the receipt of a completed document review by the Commission.

Another significant policy issue involves compliance on construction projects done by other entities 'on behalf of' the City and ultimately turned over to the City. This includes volunteer projects (the Kiwanis or Lions Clubs constructing a bus shelter) or a private business undertaking a commercial project (for which the City mandates them to correct the sidewalks fronting their property). These projects largely go undetected, and furthermore, rarely are submitted to the Commission for review. A policy and procedure which ensures compliance is necessary.

Training (Item 12, Pg. 11)

The Self-evaluation stated that only a few of the engineers from the Department of Public Works have attended training on ADA accessible design, and those sessions did not focus on issues relating to curb ramps. This is a misleading statement, as the Commission on Persons with Disabilities has offered many sessions on ADA to the City, involving attendance by Public Works Personnel. In fact, in February 1997 the Commission sponsored a seminar just on sidewalk design at its 1997 Tools for Life Conference. The seminar was publicized heavily to the City, with a special letter of invitation and was free of charge. Many staff attended those sessions; if they did not, it was not due to lack of opportunity at no cost. We do concur, however, that inspectors need more training and have not received the level of training comparable to the engineers and other design consultants.

Technical Infeasibility Limitations (Item 18, Pg. 13)

We concur with this statement by the Department of Public Works. However, in the solution proposed we believe that the analysis by the consultant to determine those sites for which technical infeasibility might apply must be accompanied by a commitment by the City to continue to submit those plans to the Commission for review, per H.R.S. 103-50, and to fill out the "Statement/Analysis of Technical Infeasibility" with the document submittal. The work and analysis with the consultant should not be construed to bypass the H.R.S. 103-50 process simply because of technical infeasibility.

Communication Issues (Item 19, Pg. 13)

The Department does not have an equal access policy or procedure relating to communications. As an example, for this public hearing, people who are sighted could call and receive a copy of the Draft Report mailed directly to their home (presumably to account for their physical mobility limitation), yet people who are blind must go to one of four locations in town to read the Braille copy and cannot receive it by mail like any other person. This is an example of a discriminatory practice in the area of communication.

Respectfully submitted,



Francine Wai
Executive Director

Appendix C

City and County of Honolulu Policy on Non-Discrimination on the Basis of Disability and Grievance Procedures for Complaints of Disability Discrimination

OFFICE OF THE MANAGING DIRECTOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 306 • HONOLULU, HAWAII 96813
PHONE: (808) 523-4331 • FAX: (808) 523-4242



JEREMY HARRIS
MAYOR

ROBERT J. FISHMAN
MANAGING DIRECTOR

M.D. CIRCULAR NO. 10

February 13, 1998

MEMO TO: ALL DEPARTMENT AND/OR AGENCIES

FROM: NICK KAKAROUKAS
ADA COMPLIANCE COORDINATOR

A handwritten signature in black ink, appearing to read "Nick Kakaroukas", with a horizontal line extending to the right.

SUBJECT: AMERICANS WITH DISABILITIES ACT POLICIES AND PROCEDURES

The City and County of Honolulu is reaffirming its commitment to accommodate the needs of individuals with disabilities. As part of that commitment, the following two documents are enclosed:

POLICY ON NON-DISCRIMINATION ON THE BASIS OF DISABILITY

This policy notice should be widely distributed and posted at facilities where the public can see it. The number of enclosed copies vary depending on your department.

GRIEVANCE PROCEDURES FOR COMPLAINTS OF DISABILITY DISCRIMINATION

The ADA requires a grievance procedure to be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability on employment practices and policies and the provision of program and services. Department personnel should become familiar with the grievance procedure.

If you need additional notices, or if you have any questions, please contact me at 523-4745.

APPROVED:

A handwritten signature in black ink, appearing to read "Robert J. Fishman", with a horizontal line extending to the right.
ROBERT J. FISHMAN
Managing Director

POLICY ON NON-DISCRIMINATION ON THE BASIS OF DISABILITY

THE CITY AND COUNTY OF HONOLULU DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY IN ADMISSION, ACCESS TO, OR OPERATION OF ITS PROGRAMS, SERVICES, OR ACTIVITIES. THE CITY AND COUNTY OF HONOLULU DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY IN ITS HIRING OR EMPLOYMENT PRACTICES.

QUESTIONS, CONCERNS, COMPLAINTS, OR REQUESTS FOR ADDITIONAL INFORMATION REGARDING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT MAY BE FORWARDED TO:

ADA COMPLIANCE COORDINATOR
OFFICE OF THE MANAGING DIRECTOR
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, #306
HONOLULU, HAWAII 96813
523-4745 (VOICE)
527-5166 (TTY)

IF YOU ENCOUNTER BARRIERS (PHYSICAL, COMMUNICATION, OR OTHER), PLEASES CONTACT THE ADA COMPLIANCE COORDINATOR SO THAT SERVICES MAY BE MADE AVAILABLE TO YOU.

MAYOR JEREMY HARRIS
CITY AND COUNTY OF HONOLULU

CITY AND COUNTY OF HONOLULU**GRIEVANCE PROCEDURES FOR COMPLAINTS OF
DISABILITY DISCRIMINATION**

It is the policy of the City and County of Honolulu to provide equal access for all persons, regardless of disability, to the services, activities, programs and facilities of this county.

It is also the policy of the City and County of Honolulu to encourage the informal resolution of complaints or grievances including those which are based on alleged disability discrimination. An attempt shall be made to resolve such matters through informal means at any stage of processing.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by the City and County of Honolulu.

The complaint should be made in writing and contain information about the alleged discrimination. It also should include the complainant's name, address, phone number, as well as the location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available upon request for persons with disabilities.

Complaints should be submitted by the grievants and/or their designee to:

ADA COMPLIANCE COORDINATOR
OFFICE OF THE MANAGING DIRECTOR
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 523-4745 (VOICE)
(808) 527-5166 (TTY)

Within ten working days after receipt of the complaint, the City ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within ten working days after the meeting, the City ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and County of Honolulu and offer options for substantive resolution of the complaint.

All written complaints received by the City ADA Coordinator and their responses will be kept by the City and County of Honolulu for at least three years.

