



City of Oakland

Mayor's Commission on Persons with Disabilities (MCPD)

Monday, July 16, 2018

Minutes

- I. Call to Order at 5:44 p.m.
- II. Roll Call
 - 6 Commissioners present: Garner, Gregory, Harrington, Meshack, Sperling, van Docto
- III. Public Comments
 - Helen Walsh urged that Bike and Scooter Share Programs as well as Lyft, Uber, and other mobility programs provide inclusive options for commuting and recreation.
 - Chair Sperling stated that he and Commissioner Gregory are on the Metropolitan Transportation Commission (MTC) Technical Advisory Committee (TAC) for Bike Share advocating for accessible bikes in the program. The current plan is to start a pilot with accessible bikes in late summer at Lake Merritt.
- IV. Agenda Modification and Approval
 - Motion to approve Agenda: Harrington
Seconded by Gregory
Aye: 6 - Garner, Gregory, Harrington, Meshack, Sperling, van Docto
Motion passed.
- V. Approval of June 18, 2018 Minutes
 - Motion to approve Minutes: Garner

Seconded by van Docto

Aye: 6 - Garner, Gregory, Harrington, Meshack, Sperling, van Docto

Motion passed.

VI. Chair Report; *Frank Sperling, Chair*

- Chair Sperling introduced Mayor Schaaf at the recent Aphasia Center of California's Walk the Talk event.
- He also asked ADA Programs staff to expedite filling MCPD vacancies.

VII. Commissioner's Announcements

- Commissioner Garner will speak at the Disability Summit at Allen Temple Baptist Church in August. Also, she introduced herself to Sgt. Ray Kelly at Alameda County Sheriff's Department.
- Commissioner Gregory stated that the California State Auditor's Office found that the Department of Rehabilitation grants program mismanaged \$17 to \$18 million dollars.

VIII. Staff Updates and Announcements; *Anh Nguyen, ADA Programs Division Manager*

A. Disabled Parking Placard Sting

- Mr. Nguyen shared that ADA Programs Division has received supportive comments from the public in regards to Oakland Department of Transportation (OakDOT) reviving disabled parking placard stings.

B. Woodminster Amphitheatre

- Work that started several years ago to improve access at Woodminster Amphitheatre, including

accessible parking, seating, and restrooms, are now complete.

C. City Center West Garage Lawsuit

- While specifics cannot be shared at this time, ADA Programs Division is working with OakDOT and other City staff to address complaints in the lawsuit. The garage is located at 12th and Jefferson Streets.

D. ADA Anniversary

- Mr. Nguyen stated that the Bay Area sparked the Disability Rights Movement that led to the signing of the ADA in July 1990. The City is committed to improving access with the updated Citywide Access Policy, Administrative Instruction 123. He then requested a break to celebrate with cupcakes and refreshments in the adjacent room.
- Commissioner Gregory stated that during ADA 26th anniversary, Mayor Schaaf wrote a letter at the request of MCPD urging the U.S. Senate to send the Convention for the Rights of People with Disabilities to the Senate Floor for a vote. Since the Senate did not do so, Commissioner Gregory suggested that MCPD ask Mayor Schaaf to send a follow up letter.
- Chair Sperling called for a brief recess to celebrate ADA 28th anniversary.

IX. Mid-Year Strategic Plan Review; Chair Sperling

- Commissioners provided brief updates to the objectives they are monitoring. The updated Strategic Plan will be made available on the MCPD website:
<https://tinyurl.com/mcpd-oakland>

X. Oakland Department of Transportation (OakDOT) Shared Mobility Update and Dockless Bike and Scooter Share Policy

to City Council Public Works Committee; *Chair Sperling*

- Chair Sperling suggested an accessibility fee for the proposed Scooter Share program.
- Commissioner Meshack raised concerns about scooters lacking horns and speeding on sidewalks bumping into people. Some scooter users ride so fast that some people must jump out of the way. Also, scooters are supposed to use bike lanes rather than the sidewalk. However, there is lack of enforcement.
- Commissioner Gregory stated that there is a clear nexus for a fee to cover the cost of enforcement. Dockless scooters are left everywhere, including blocking curb ramps, and creating safety hazards.
- Commissioner van Docto supports an accessibility fee to encourage companies to innovate and be inclusive.
- Marjorie stated that she has a fatiguing illness. However, since she is ambulatory, Medicare will not cover a motorized vehicle. A scooter would open up her world and allow her to go to festivals and other events. She noted that Travel Scoot makes a lightweight (35 pounds), lean, narrow, efficient vehicle. Scooter Share might be able to subsidize the purchase of such a vehicle. She also suggested it being available to rent from a tool lending library.
- Helen Walsh suggested the fee go into a whole system to innovate and be more inclusive. In the event that companies do not create an inclusive scooter, the fee could fund other modes of accessible transportation.
- Mitch Fine stated that there was a City of Oakland report on ADA access and sidewalks in 2008 or 2009. The report found that about seven million square feet of sidewalk in Oakland was damaged. Thirty-three percent of

sidewalks were defined as high or very high damage. About fifty thousand instances were documented of ADA errors in the sidewalks. The cost to fix was estimated at \$100 million. He stated support for an accessibility fee because motorized scooters have been dumped on streets and sidewalks without permission and block ADA access. He spoke with representatives of Oakland Police Department (OPD) and Lime Scooter about enforcement of scooters on sidewalks and minors on motorized scooters. Lime stated enforcement is the responsibility of OPD, but OPD stated they do not have the resources to enforce. Furthermore, as a senior, he does not have time to jump out of the way of people riding scooters on the sidewalk. Thus, his greatest concern is Scooter Share denying accessibility by impeding current public right of way. He wants the proposed ordinance to be tabled to discuss the issue more intelligently rather than go at the speedy timeline of Lime, Bird, and other companies dumping scooters in Oakland.

- Josh Gray, Senior Advisor to Council Member Kaplan, stated that their office has met with staff concerning accessibility on another issue and understand the concern of creating accessibility as well as ensuring safety. He encouraged the public to speak at Public Works Committee as well as contact him at jgray2@oaklandca.gov.
- Aaron Clefton echoed the concern of scooters left on sidewalks blocking access to ramps. In terms of a fee, consider empowering Parking Enforcement to fine perspective companies to have them monitor their own vehicles.
- Commissioner Meshack suggested imposing a fee to the last user of a bike or scooter not put away properly and blocking ADA access.

- Motion to approve Chair Sperling sharing concerns raised at MCPD meeting with City Council Public Works Committee on July 17: Harrington
Seconded by van Docto
Aye: 6 - Garner, Gregory, Harrington, Meshack, Sperling, van Docto
Motion passed.

XI. Senate Bill 1376 - Transportation Network Companies: Accessibility for Persons with Disabilities; *Commissioner Gregory*

- Commissioner Gregory updated that the accessibility fee is proposed to be a minimum of five cents per ride. It is meant to sunset in 2024 or 2025. The fee will be a tax and requires a two-thirds supermajority to pass.
- Details of the bill continue to change, including county by county pots of money now area by area, to be determined by the Public Utilities Commission. A finalized draft should be available in August, and MCPD can discuss endorsing the bill then.

XII. Biannual Paving Update; *Chris Diano, Civil Engineer, Paving and Sidewalk Management, Great Streets Division, Oakland Department of Transportation (OakDOT)*

- Mr. Diano stated that City of Oakland maintains 830 miles of roads and 1,100 miles of sidewalks. Resurfacing is primarily through a contract bidding process. They also work on a cost-sharing basis with utility companies. Additionally, there are in-house crews that can do paving.
- Mr. Diano mentioned the Five-Year Paving Plan adopted by City Council in October 2014 based on pavement condition index (PCI), travel volume based on function of the street, such as arterial or residential, and type of treatment. That program, called Street Saver, aims to

optimize the City budget and takes about 80 percent of their paving budget. Twenty percent of the paving budget is for the worst streets that staff identifies, including streets ripped up by utility companies.

- Measure KK passed in November 2016 and provides \$600 million in infrastructure projects and affordable housing. \$350 million of that funding goes to infrastructure projects, which includes paving. The goal now is to pave as many streets as possible by 2019. During the 2018 Summer of Paving (map available on City of Oakland website), OakDOT is paving 25 miles of streets selected from the Five-Year Paving Plan. They are also required to upgrade ADA curb ramps to federal standards in the area they are paving.
- Also, where there are Complete Streets Projects, OakDOT is replacing old crosswalks with high visibility crosswalks as a visual cue for drivers in order to slow down traffic and improve pedestrian safety. Traffic circles are another way to slow down cars at certain intersections. OakDOT is also implementing painted bulb outs. A good example is at 23rd St. and Harrison to reduce pedestrian crossing distance. Paving projects also include installing bike lanes, including buffered bike lanes.
- After 2019, there will be a brand new Five-Year Paving Plan. A consultant is surveying the streets and getting pavement conditions for all streets in Oakland. An equity lens is being added in order to pave more streets in areas that were historically not looked at before.
- Commissioner Gregory inquired how paving crews get around homeless issue when they pave certain areas. Mr. Diano stated that they work with contractors and City staff to address it ahead of time, including making accommodations for homeless individuals.

- Chair Sperling inquired whether Measure KK will help mitigate the sidewalk damage from the 2008 study mentioned by a public speaker earlier. Mr. Diano stated that OakDOT will address sidewalks damaged by City trees. When doing paving projects, staff survey the sidewalk and see which sidewalk areas need to be repaired that are caused by city facilities as well as non-city facilities, which are the responsibility of the property owner.
- Chair Sperling inquired about replacing existing curb ramps that do not meet ADA requirements. Mr. Diano stated that those get replaced.
- Chair Sperling inquired about the current rating of City of Oakland streets. Mr. Diano responded that the Oakland PCI rating is currently 55 (a three-year average). The regional average is above 60.
- Chair Sperling inquired about the goal for the PCI in the Five-Year Paving Program. Mr. Diano stated the goal is to pave as many streets as possible rather than trying to achieve a PCI goal. Arterial streets are prioritized. That is why in the Oakland Hills, the roads are falling apart but for a different reason.
- Commissioner Meshack stated that he has been getting conflicting information about responsibility for sidewalk repair. Several officials he has called claimed that the area in between the sidewalk and the street was taken by eminent domain and the trees were given back to the residents, who are then responsibility for tree-related sidewalk damage. Mr. Diano responded that staff does their due diligence to determine who owns the tree. If it is City-owned, then they put that sidewalk damage on a list for repair. If the tree is owned by the property owner, then they would be responsible. Mr. Meshack will follow up with Mr. Diano.

XIII. Future Agenda Items

- A. Objective 1.1: Accessibility in the Bike Share Program
- B. Objective 1.2: Disabled Parking Spaces and Abuse of Disabled Parking Placards
- C. Objective 1.3: Accessibility of Fixed-Route Transit Systems in Oakland
- D. Objective 1.4: Reliability and Customer Service of Paratransit Systems in Oakland
- E. Objective 1.5: Wheelchair Accessible Vehicles in the Taxi Program and Transportation Network Companies
- F. Objective 1.6: Oakland's Complete Streets Program
- G. Objective 2.1: Oakland Police Department Crisis Intervention Training (CIT)
- H. Objective 2.2: Oakland Fire Department, Emergency Management Services Division Overview of Methods for Addressing Access and Functional Needs During an Emergency and Natural Disasters
- I. Objective 3.1: Update on Community Outreach
- J. Objective 4.1: ADA Transition Plan, including Curb Ramp and Sidewalk Repair
- K. Objective 4.2: Equitable Prioritization of Measure KK Funds for Public Infrastructure Improvements
- L. Objective 5.1: Measure KK Funds for Home Modifications to Enhance Accessibility
- M. Objective 5.2: Identify and Reduce Number of Homeless Persons with Disabilities in Oakland

XIV. Adjourned at 7:36 p.m.