



MINUTES
COMMISSION ON DISABILITIES
City Hall, 5th Floor Large Conference Room
3900 Main Street
Riverside, CA 92522
August 13, 2007 at 6:00pm
ADA Coordinator - (951) 826-5427
TDD (951) 826-5439

MISSION STATEMENT

The mission of the Commission on Disabilities is to promote greater awareness of, respect for, and the total participation of individuals with disabilities into all aspects of life.

1. **Call to Order:** 6:03 p.m.
2. **Pledge of Allegiance:** Puffer
3. **Roll Call:** Chairperson Paul Van Doren, Vice-Chair Gigi Welch, Gene Brosious, Susanne Puffer, Linda Garcia, Debbie Keller, Lesley Robinson, Donald Hawecker.

ABSENT: James Stream (excused).

Also in attendance were Transit Supervisor Byron Mayhan, Resident John Lonberg and ADA Coordinator Monique Gordon.

4. Minutes for the regular meeting of July 9, 2007 and special meeting of July 23, 2007

M/S Robinson/Keller and unanimous to approve the July 9, 2007 minutes as presented.

AYES – 8 (Van Doren, Welch, Brosious, Puffer, Garcia, Keller, Robinson, Hawecker);
NOES – 0; ABSENT – 1 (Stream); ABSTAIN – 0

M/S Puffer/Keller to approve the July 23, 2007 minutes as presented.

AYES – 7 (Van Doren, Welch, Brosious, Puffer, Keller, Robinson, Hawecker); NOES – 0;
ABSENT – 1 (Stream); ABSTAIN – 1 (Garcia)

5. **Introductions and Public Comment**

This is an opportunity for members of the public to address the Commission on any subject matter that is within the Commission's jurisdiction.

Residents John Lonberg, Margaret Johnson and Donna Kirchoff, Inland Regional Center were in attendance.

6. **Old Business**

- A. **No-Show Policy** - City of Riverside Special Transportation Section – discussion concerning the appeal process and other specific topics the COD would like addressed. Transit Supervisor Byron Mayhan will be in attendance. (30 minutes)

Chairperson Van Doren noted that the COD felt it would be beneficial for someone outside of the special transportation staff to participate in the No-Show policy appeal process.

Transit Supervisor Byron Mayhan noted that the No-Show policy had not yet been implemented. He stated that after research concerning compliance with the ADA, there was an issue with consistency and that the appeals policy would be amended from the current point system to percentage of no-shows. After research, it did not seem fair that someone who canceled 3 rides out of 30 reservations (1%) should be held to the same no-show penalty points as someone who canceled 3 rides out of 9 reservations (33%).

Chairperson Van Doren stated that when a no-show policy was implemented, there would be an appeals process. It would be beneficial to the appeals process if a person outside of special transportation management and a special transportation user would be a valid way to proceed and also provide an opportunity for the community to add value to the appeals process.

In response to a question from Commissioner Brosious concerning details of the appeals process, Transportation Supervisor Mayhan detailed:

1. A letter is sent concerning the number of cancellations and parameters of the no-show policy. The letter contains details about the no-show dates and times.
2. If there are questions, the rider calls the Transit Supervisor.
3. If the penalty was wrongly applied, the Transit Supervisor will make adjustments to the records.
4. If the penalty is accurate, a second penalty letter is sent noting that the rider has 30 days to appeal the penalty.

Transit Supervisor Mayhan noted that at this point, the penalty letters are mostly informational.

In response to Chairperson Van Doren's statement that the No-Show Policy should be in place, Mr. Mayhan noted that the policy was currently being revised.

In response to a question from Commissioner Hawecker regarding if the No-Show Policy met any state standards, Transit Supervisor Mayhan noted that there were no set California standards for no-show penalties.

Resident John Lonberg distributed a U.S. Department of Commerce, National Technical

Information Service document titled ADA Paratransit Handbook: Implementing the Complementary Paratransit Service Requirements of the Americans with Disabilities Act of 1990, Dated September, 1991. Page 5-10 notes that 'You also should differentiate between "no-shows" and canceled trips.

In response to the question from Mr. Lonberg about special transportation's ability to re-route trips if there was enough time given, versus being penalized for a no-show, Transportation Manager Mayhan explained that the day's reservations were printed at 6 pm and the next morning, driver receives the manifest already printed in the morning. If a rider canceled a ride 30 minutes before the scheduled pick-up, there would be no time to fill that slot, unless there was a same-day reservation request. Mr. Mayhan also noted that if a same day reservation was requested, the time may be negotiated, based on the current schedule. If a time was negotiated, it would not be recorded as a no-show but a negotiated trip. He noted that the goal of special transportation was not to refuse anyone a ride, but provide rides to everyone with a request.

Mr. Lonberg referred to the second paragraph of the above noted document which states, "Persons with disabilities should have input into the development of your no-show policy", Mr. Mayhan noted that this requirement was part of the reason he felt input from the COD was important to the development of the No-Show Policy. Transportation Manager Mayhan noted that the original RTA policy had been adopted due to the same policies.

In response to a comment from Mr. Lonberg that a fair way to recover a lost ride could be to offer a financial incentive versus loss transportation, Mr. Mayhan noted that riders would not be penalized for cancellations due to situations beyond their control. No penalty points would be assessed if a rider had a prolonged medical appointment and could not meet their return ride. The point was not to penalize legitimate excuses but to let abusers know that abuse will not be tolerated.

The Board discussed that the ride cost was \$2 each way and that if the first ride was canceled, the second ride was automatically canceled. Also discussed was the option of suspension or additional costs as penalties for no-shows and it would be fairer to give an exact number of penalty points versus a range of points.

Transportation Supervisor Mayhan noted that the option of fines versus suspension of rides had not been considered but he would explore that option.

In response to a question from Commissioner Garcia concerning if there was an orientation given to new riders or a contract signed so that they were aware of the appeal policy, Mr. Mayhan noted that an orientation was conducted over the phone and clients were mailed Frequently Asked Questions, but no contract was signed.

The Commission thanked Mr. Mayhan, asked if the Policy had been published and if there had been a difference in the number of no-shows. Transportation Supervisor Mayhan noted that since the No-Show Policy had been distributed, no-shows had dropped from 680 to 280 per month. He also noted that 3,000 fliers had been mailed concerning the Policy as well as an ad in the newspaper and postings on buses. He also noted that the point of the Policy was to notify abusers of the system and that except for the penalty change from number of no-shows

to percentage of no-shows, this policy is consistent with RTA's No-Show policy.

In response to a question from Vice-Chair Welch concerning if an attendant to a disabled rider would be charged for a ride, Mr. Mayhan noted that an attendant can ride for free.

Chairperson Van Doren noted that initially, the Policy scared many riders. Although the Policy needed more work and abusers needed to be addressed, it would also be valuable for a rider from the disabled community to also be involved in the appeals process.

Mr. Mayhan noted that disabled riders would not be penalized for canceling rides for reasons beyond their control such as illness.

Mr. Lonberg referred to page 4-14 of the ADA Paratransit Handbook statement: "Because ADA paratransit eligibility is established as a civil right, there is for the transit provider a special obligation to ensure that "due process" is observed. Mr. Lonberg noted that he appreciated the care that Transit Supervisor Mayhan was taking with the appeals process.

The COD and Mr. Mayhan discussed that the goal of Special Transportation was not to deny anyone a ride but to provide rides to everyone. Mr. Mayhan noted that if someone canceled a ride with short notice, that Special Transportation attempted to fill in those appointments with same day rides.

Mr. Mayhan discussed the issue that sometimes, disabled riders were not able to wheel themselves onto the bus and used the example of someone who had just completed dialysis. As a courtesy, if the bus was empty, the driver can assist the rider onto the bus. However, if there was an occupant on the bus, the driver would not be allowed to leave the bus to assist the oncoming rider. He also noted that sometimes, drivers were faced with the problem that no one was home to receive a passenger at the end of a trip.

In response to a question from the COD concerning trip denials, Mr. Mayhan noted that during an audit, if a negotiated pick up was outside normal hours of operations, the trip was classified as a trip denial with the notation that the trip would be set up through RTA by Special Transportation.

Transportation Supervisor Mayhan noted that the ADA Coordinator would be contacted before the draft No-Show Policy was finalized.

Discussion concluded at 6:50 pm.

- B. **Discussion:** How can the COD promote greater awareness of disabled mobility in the City and communicate to residents and businesses the negative impacts of sidewalk obstruction by trash cans and cars.
 - i. **Report:** Code Enforcement of sidewalks obstructed by trash cans.
 - ii. Proper placement of trash cans off of the sidewalk – public awareness campaign.
 - iii. Immediate use of 826-5311 (City Services) when violations are noticed.

The COD discussed the possibility of a public awareness campaign by code enforcement that could use volunteers to distribute information in the community about the impact of blocked sidewalks by cars and trash cans. The COD was in support of the public awareness campaign proposed by code enforcement but not in support of a solely disabled emphasis. The COD was concerned that the result might be alienation of the disabled if the public awareness meant tickets for violations. Use of utility bill inserts was also discussed and supported by the COD.

The COD also discussed the following in regard to blockage of driveways:

1. City not picking up trash cans that were placed incorrectly and leave a note stating why pickup was not made.
2. Trash trucks are often in such a rush that the result is blockage of sidewalks by empty trashcans after they are dropped and tip over.
3. PSA with no disability examples, but noting the impact of blocked sidewalks on school children, strollers and others.
4. Adults should simply follow City ordinances concerning not blocking sidewalks.

Discussion closed about 7:15 pm.

- C. **Brochure Development** – Over the next two weeks, Commissioner Biography information will be collected for the COD brochure.

Staff will be contacting individuals of the COD for biographies which will be used in the upcoming brochure and website.

7. New Business

- A. **Note:** Per COD Standing Rules, Section 6A (Meetings) states that “The meeting will generally conclude by 7:30 p.m.”

Noted by the COD

- B. **Update** COD Public Services Announcement due to air on Channel 32 beginning August 6, 2007.

PSA is currently running on Channel 32.

8. Future Agenda Items

- A. Presentation from Terry Howell concerning the California Telephone Access Program (CTAP) a State program which provides free special phones to people of any age or income living in California and having difficulty seeing, moving, hearing, speaking, or remembering.
- B. Meeting of the upcoming Joint Commission Task Force (tentatively scheduled for August 2007) to discuss Americans with Disabilities Act compliance and features including the Renaissance at Mt. Rubidoux and Tequesquite City Park.

9. Items for future Commission Consideration

This is an opportunity for Commissioners to reference any items that arise during the meeting but are not a part of the meeting agenda.

Margaret Johnson noted the following:

1. City tennis courts should be disabled accessible to facilitate wheelchair tennis.
2. Elevator controls should be at wheelchair height.
3. She noted that sidewalks were blocked by trees and light poles.
4. In order to gain perspective, City Council members should travel down Central Avenue on sidewalks and medians in wheelchairs.

10. Adjournment: 7:30 pm

Accessibility to Meetings

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires modification or accommodation in order to participate in this meeting should direct such requests to the City's ADA Coordinator at (951) 826-5427 at least 48 hours before the meeting, if possible. A Sign language interpreter will be made available upon request.