

# CITY- COUNTY

## Task Force on Disabilities

April 19, 2021

### Task Force Members In Attendance

#### City

Paul O'Hanlon, Cochair  
Joe Wassermann, Member at Large  
Leah Northrop  
Mark Schmeler

#### County

James "Chris" Noschese, Cochair  
John Tague, Treasurer  
Cori Frazer  
Sarah Goldstein  
Georgia Petropoulos

#### 13<sup>th</sup> Member

Paul "Rich" McGann

### Task Force Members Absent

#### City

Janet Evans

#### County

Karen Warman

### Staff Present

Hillary Roman, City of Pittsburgh ADA Coordinator  
Caylin Snyder, Allegheny County ADA Coordinator  
Danielle Nicol, Dept of City Planning Senior Secretary

### Welcome & Introductions

Paul O' Hanlon called the meeting to order at 2:03 p.m. and welcomed all attendees.

### Agenda

#### A. Minutes approval

- Chris Noschese made a motion to approve the minutes from March. The motion was seconded by John Tague and carried unanimously.

#### B. Treasurer's report

- John outlined the treasurer's report. The balance of available funds stands at \$3252.50. This will need to cover expenses for March-June. He estimates that the Task Force will have around \$1000 left.
- The group discussed whether to plan for an annual meeting in June and/or additional special topics meetings, Executive Committee meetings.

- Paul suggested returning to this issue in the remaining time at the end of the meeting.
- John added that the CCTFD will be granted additional funds from the County for the 2020-21 budget.
- Chris commented that he is in favor of having further discussions on disability employment. He suggests inviting OVR and other disability employment specialists.
- Paul noted that after business hours transportation is a major issue for the disability community as paratransit services often only operate during regular business hours.
- Joe Wassermann moved to accept the treasurer's report as written. It was seconded by Chris and carried unanimously.

### C. BRT advocacy: Intergroup Relations Policy

- Cori Frazer introduced the Intergroup Relations Policy as a potential remedy for remaining concerns about the BRT's elimination or right-side parking along parts of Forbes and Fifth Avenues in Uptown.
- The Intergroup Relations Policy is a process that can be invoked to alleviate community tensions around these types of issues. Wesley Speary from the Pittsburgh Commission on Human Relations (CHR) approached Cori to see if they were interested in doing so.
- Cori explained that the matter is further complicated by the involvement of multiple entities in the BRT project. Wesley has explained to them that the commission has enforcement power that can provide a level of oversight.
  - They added that whether or not the process provides resolution, it could be a helpful tool to add to the group's advocacy toolbox.
- Chris added that he can't see the justification for the millions of dollars spent on the BRT since it doesn't run 24/7, 365. He also doesn't see why parking on the right-hand side of the street can't remain.
- Wesley joined the discussion and explained more about Intergroup Relations Policy. He offered that CHR could hold a public hearing on this issue, which would be different than a regular complaint-based process. It would be an information-gathering, resolution-seeking process.
- Wesley mentioned his contact at the US Attorney's Office who is employed by the DOJ, saying that they could potentially help to investigate this issue.
- Sarah Goldstein commented in response to Chris that the BRT should not be a 24/7 service out of public safety concerns.
- Paul responded to Wesley, noting his frustration that he feels the disability community is being tasked with the burden of proving that they should not be discriminated against when they are already protected by federal law. He feels that the burden should be on the public entity to prove that it is not acting in a discriminatory way.
- Wesley offered that a public hearing under the Intergroup Relations Policy could address some of the underlying issues and perhaps spark changes and improvements, perhaps in the form of an MOU.
- Leah Northrop asked about the potential negative consequences of filing a complaint. Wesley answered that the respondent may get angry, though the complainant is legally protected from retaliation. He also mentioned that CHR only has jurisdiction over City entities. Projects such as the BRT also involve the

- County and would not be under CHR's umbrella of enforcement. He reminded all that the DOJ enforces the ADA at a federal level. Wesley mentioned that there is also a County CHR but said that they don't have the same capacity as the City's CHR. There is also a state CHR but he is not as familiar with their process.
- Leah also asked whether filing a complaint might set an important precedent. Wesley answered that theoretically, it could, but he's not sure if it would here.
  - Paul asked for clarification around the difference of the Intergroup Relations Policy and HCR's complaint procedure, which is by nature more adversarial. He asked Wesley whether the CCTFD could initiate a complaint against the City if the Intergroup Relations Policy didn't work out as they hoped. Wesley believed that they could do so as long as it was within one year of the legal harm's occurrence.
  - After discussing whether to seek an Intergroup Relations Policy hearing, Rich motioned to have Paul and Cori liaise with CHR to initiate an Intergroup Relations Process. Joe seconded the motion and it carried unanimously.

D. DOMI: maintaining the public right of way

- Erin Clark introduced herself as a Policy Analyst with DOMI. She and her colleague, Charlie Echard, came to give updates on the outdoor dining and retail program and gather feedback.
- Erin went over Open Streets Initiatives that were put into place last summer to mitigate the harmful effects of the pandemic on the economy.
- Paul pointed out one example from Erin's presentation in which the public right of way in Oakland appears to be blocked from multiple angles. Georgia Petropoulos provided context for the image, noting that her agency, the Oakland Business Improvement District (OBID), participated in the street design being shown. This image is deceiving, she said, because the diners are on the sidewalk and the accessible path has been routed to the closed street. The center of the street showed an accessible minigolf activity. There is also an accessible route on the other side of the street's sidewalk.
- Georgia also noted the added complexity of PA liquor laws, which provide that alcohol can only be served outside of the building if it is along the frontage of the business.
- Paul mentioned that he is frustrated by the fact that the accessible route is relegated to the outer, street-side portion of the sidewalk which often has many other obstructions to navigate. Georgia answered that at the time photo was taken, the PLCB provided that businesses serving alcohol outside must do so in a contiguous zone to the business.
- Paul asked Joe to weigh in on whether blind or visually impaired individuals prefer one side of the sidewalk to the other. Joe responded that one of the biggest problems is the fact that often an accessible arrangement of tables and chairs in the beginning of business hours is no longer such by the end of business hours. In general, however, the preference is for the lane on the business side since the outer curb usually has more obstructions.
- Erin clarified that since she'd spoken with the CCTFD last summer, DOMI has prohibited businesses from blocking both sides of the sidewalk except in the case of full street closure.
- She also now understands that it is more accessible for sidewalk dining to be located on the curb side of the sidewalk. The danger of businesses doors

opening and closing into pedestrian traffic had also been a factor in policymaking on this issue.

- Paul noted that he feels discriminated against as this issue has not been confronted in earnest until the pandemic forced new policy. Erin acknowledged that the PLCB's regulation change has given the City more flexibility to guide public right of way design.
- Georgia brought up doors opening from parked cars as another complicating factor for sidewalk dining on the curbside. Erin responded that she hadn't heard any complaints from businesses about that; DOMI is prioritizing the safety of pedestrians. She acknowledges that there may be further complexities with accessible parking and sidewalk dining. She is hoping to regularly follow-up with the CCTFD as new issues come to light.
- Erin welcomes any feedback from the group and its allies. Her email address is [erin.clark@pittsburghpa.gov](mailto:erin.clark@pittsburghpa.gov). DOMI's website and the City's public engagement site, EngagePGH, are also good places to provide feedback on public right of way issues.

#### E. CCTFD project planning

- Additional discussion on project planning was added to the agenda.
- Paul opened up the discussion on projects to the group, noting that the new funding year begins in July. Projects that have been brought up at past meetings include advocacy for nighttime employment transit, policy issues around ACCESS, disability advocacy in jails and nursing homes, and continued work with the Pittsburgh CHR.
- John pointed out that much of the funding will go toward accessibility measures for the meetings themselves.
- Paul added out that he would like to see more discussion on accessibility in the community development process.
- Joe said that he is in favor of advocacy around evening transit. He suggests inviting advocates from Achieva, OVR, Goodwill, and others who employ individuals with disabilities to amplify their efforts around increasing disability employment. He would also like to have representatives from jails and nursing homes visit with the Task Force.
- Cori advises that the group be cautious of inviting Goodwill as they pay individuals with disabilities a subminimum wage, which is unacceptable.
- Rich McGann agrees that evening transportation should be a focus of upcoming projects. He worries that ACCESS's hours are too limited for people with disabilities and preclude full independence for people with disabilities.
- Chris added his support for further discussion on nighttime transportation.
- Sarah added that there is a bill in the house that would exempt subminimum wage workers from social security taxes.
- Georgia would like to see funding go toward communications around the CCTFD to encourage further participation and advocacy.
- Paul asked for volunteers to lead the nighttime transit project, suggesting jump off conversations with Port Authority and ACCESS. He guesses that the new stimulus package from the federal government may be apply to this issue.
- John points out that he may have a conflict of interest as a Port Authority board member. Paul understood that and asked whether John could at least reach out

- to Port Authority to find out who the group should speak with. John agreed to do so and added that they should also reach out to ACCESS.
- Chris would like for Port Authority and ACCESS representatives to join the Task Force's regular meetings. He feels that they are completely unaware of the CCTFD's concerns. Paul told Chris that members of both entities usually do attend these meetings regularly but agrees that they should increase contact.

### Adjournment

A motion to adjourn was made by Joe and seconded by Chris. The motion was carried unanimously and the meeting adjourned at 4:00 p.m.

*YouTube link with closed captioning: <https://www.youtube.com/watch?v=91sgKtQTgA0>*