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## ADA Advisory Council Meeting Minutes

Wednesday, January 10, 2024

1:00 pm, Zoom Meeting

Members Present: Steve Schoenberg, Monique Vopat, Kim Dietrich, Joe Cheray, Michael Byington, Anthony Fadale, Bob Nugent

Members Absent: Nicholas Trammell, Wulf Roby, & Carrie Hageman

Guests: Marilyn Lynn

Staff: Ernestor De La Rosa, Zaynah Afada, & ASL Interpreter Doris

- Welcome:
  
- Approval of Agenda and Minutes: The Motion to accept the minutes for the December meeting with recommended amendments to the discussion under New Business to reflect “Buses only to be used if it’s absolutely necessary when other buses aren’t available” was made by Michael and seconded by Joe. The motion was passed unanimously.
  
- New Business:  
  
N/A
  
- Old Business:
  - RRFBs: Ernestor shares the motion by Michael, which reads, “I move that the council expresses the position that the replacement of red, yellow, and green traffic signals with RRFBs can potentially reduce accessibility for people with certain types of disabilities.” Wulf seconded the motion, and he was to provide additional language to reinforce the motion. Ernestor shared that he has not received a follow-up from Wulf regarding additional language for the RRFBs.
    - Michael stated that he believes Wulf was supposed to provide some exact language from the Manual of Uniform Traffic Control Devices. Michael also shared that the motion does not allege any language in the Manual of Traffic Control Devices, which is a guiding document for traffic engineers. He stated that this motion is going on record saying that the ADA Advisory Council expresses this belief, whether the manual says anything or not, that RRFBs are not as accommodating for pedestrians with certain disabilities as the red, green, and yellow type crossing signals.

Michael suggested that this motion stands with or without the language in the Manual of Traffic Control Devices. He shared that from his understanding there is still a plan to remove the fully accessible signal near the transit transfer on Ninth and Quincy Street. This needs to be forestalled in the city while the ADA is trying to get some of the issues resolved regarding changes that have already been made.

- Steve asked for the definition of RRFBs. Michael responded by stating that RRFB stands for Rapidly Repeating Flashing Beacons; they are the signals being put in many crosswalk areas and replacing fully functional signals that only activate when a pedestrian pushes the button and only have yellow flashing lights. He said many more drivers are misunderstanding what that means because the driver control manuals say a person only has to slow down when RRFBs are activated. Now, other laws suggest that if a pedestrian is in the crosswalk, then cars have to come to a complete stop when the RRFB is going. However, there is a lot more driver confusion on the meanings of the RRFBs. An additional but related issue that Michael pointed out was that many of the RRFBs are being installed with photosynthesis cells as their power source. If the signal is used a lot on a very cloudy day or used a lot at night, it can shut down for some time because of a lack of power. The question now is whether RRFBs are as safe for pedestrians with disabilities as the red and green crosswalk lights or signals. He stated that the information he provided would suggest that RRFBs are unsafe for any pedestrian.
  - Kim Seconded the motion by Michael. The motion passed unanimously.
  - Anthony asked what the follow-up would be with the motion passing. Michael responded, stating the motion has no force beyond advice, stating the ADA Advisory Council does not agree with the current idea of installing RRFBs. The motion does not guarantee traffic engineering staff backing off on the idea of changing more of the signals, but he hopes it does until there is a ruling from the federal level from a complaint he has filed with the U.S. Department of Justice.
  - Ernestor will follow up on the motion by sharing it with the Director of Public Works, the Interim City Manager, and the Legal Department.
- ADA Update: Ernestor provided an update regarding the ADA Grievance Procedure Complaints Form. Staff reached out to the Great Plains ADA Center regarding the conversation on educating businesses on ADA; any further updates from that conversation will be shared with the ADA Council. The ADA Annual Report presentation for the Governing Body will take place on April 16<sup>th</sup>, 2024; Ernestor asked for the chair to be present during the presentation. Ernestor shared that the presentation by Bird Scooters was delayed. He will stay in contact with them with the hope of scheduling their presentation for a later meeting.

- Michael shares that Bird Scooters recently filed for bankruptcy and is withdrawing from some areas because of financial concerns. He wonders if this impact would affect the city's contract with Bird. Ernestor shared that he saw the headline but has not received information regarding the termination of the contract. He will follow up with the Legal and Planning Department.
  
- Anthony shared that he passed along the information from the December meeting regarding the automated stop-call system to ACAT. He has not heard anything back, but Ernestor was copied in the email. Ernestor shared that contact information for the Topeka Metro ADA Coordinator was shared during the December meeting; he is happy to follow up with whoever is filling a complaint with the Metro before the next meeting. Bob Nugent shared that the Topeka Metro is also aware of the issue with the automated stop-call system; the operators are being instructed to call out the stops manually. Bob stated that the vehicles could not be kept off the streets because there are not enough vehicles for service at this time; however, the metro is working to fix this.
  
- Public Comment: None
  
- Next meeting- Wednesday, February 14, 2024
  
- Adjourn – 1:50 pm.