

Special Meeting  
February 10, 2005

Commissioners

Cathy McAdam, Chair  
Cheryl Kreger, Vice Chair  
Dale Swanson  
Kim B. Hetrick  
Sonya Tishler  
Mona Ramouni  
Gary Filiak  
Mary Hodak  
Jane Thomas, excused  
Nancy Bower, excused

City Employees

Kurt Giberson, DPW  
Bob Leinen, DPW  
Susan Fitzmaurice, ADA Coordinator  
William Debiasi, Legal  
Michelle DaRos, Community & Economic Development  
Peg Watson, Recreation

Guests (who signed in)

Jay Patel, MDOT  
Gloria Bradley, SMART  
Michael Patten, SMART  
Dana Hilthon, SMART  
Donna Posant, National Federation for the Blind (NFB)  
Sharon Kingsbury, NFB  
Raymond Roberson, NFB  
Doug Thomas, Dearborn City Council  
Jane MacFarlane, Michigan Commission on Disability Concerns  
Samer Hijasi, Henry Ford Community College - Student Council  
Annie Rehaman, HFCC- SC  
Rashid Baydoun, HFCC-SC  
Jim Beckes, Handicapped of Dearborn

Call to order: 2:10PM

Roll Call: Introduction of commissioners, city staff, & guests

Agenda: No additions or changes

Minutes: Accepted as written.

MOTION by Commissioner Swanson, seconded by Commissioner Tishler.

### Michigan Avenue Project

Chair McAdam asked Kurt Giberson to begin the meeting with a statement about the city's position on this issue. Kurt Giberson said the city has presented a consistent message. The city has always has safety and ADA compliant concerns with this project. The City has no legal or design role in the project. The city wants to see a good solution to this problem.

M Patel, city engineer responded that MDOT, the City, and John Sanford had met and were equally interested in resolving any safety concerns, but the weather has not been favorable to assessing the situation since the last public meetings. A walk is planned from Firestone onward with a stop every two blocks to make notations about what improvements need to be made. He said that there is significant slope of between 6 and 12 % in some places. It should not exceed 2%. No plans have been made yet on how to solve the problem.

Chair McAdam questioned how the process had been so far and if the problem of both safety & number of bus stops was being acknowledged. How do we resolve the issue of replacing bus stops? (This question was directed to Michael Patten of SMART.)

Michael Patten replied, SMART bus stops pads/ loading zones are concrete slabs that provide access to the bus. There is no ramp as the bus lowers to slab level. The concern is the slope from the slab to the street. The slope is not acceptable as is.

ADA does not address whether a bus stop should be at the near or far side of an intersection. SMART is flexible regarding this point. But the concrete slab must be at least 40 feet away from the intersection to allow the bus to clear the intersection. SMART does not put signs designating bus stops until construction is complete and the bus stop is ADA compliant because they do not want to endorse the use of any bus stop until it is compliant. Near bus stops are of concern because when buses are picking up passengers it causes traffic to have to stop.

Chair McAdam asked if there was a plan to remove any bus stops?

Michael Patten replied there was no plan to remove any bus stops, but bus stops would not be returned to their former sites until construction was complete.

Kurt Giberson interjected that no matter what solution was decided to resolve this problem it was MDOT's responsibility to fix it. The issue is whether this is a sidewalk. It is the city's opinion it is a sidewalk. It may not have been designed to be a transferable path, but it will be used as a sidewalk.

Susan Fitzmaurice, ADA Coordinator asked how a problem like this could be prevented in the future? Jay Patel responded that the City and SMART had been asked to approve the designs and no problems had emerged.

Dan Hilthon of SMART asked when a sidewalk isn't a sidewalk?

M.Patel stated SMART or the city cannot agree to supersede the law. No one has the authority to suppressed the law.

Chair McAdam asked if MDOT was now agreeing that this surface is defined as a side walk under ADA guidelines?

J. Patel stated designers felt it was ADA compliant as it was not a transferable path. Although they had not formally changed that position they would hope to work with us.

Kurt Giberson stated the city would not have agreed that “this is a transferable path”, it is a sidewalk.

Peg Watson of recreation discussed seniors concerns about slope and the danger these sidewalks/paths present. They want to be able to get on and off buses in a safe manner. They want the existing standards that have worked to continue to be met. They are waiting for signs to be replaced because they really are unsure where to stand.

Chair McAdam asked if and how seniors might get SMART red mitts?

Michael Patten described the red mitts that a person holds up and the bus knows to stop to pick up a passenger. If they see a person hold up a red mitt – they stop whether it is a bus stop or not. The only exception to this is that they cannot pick up in an active (taped off) construction zones. That is a state law. He said he could provide as many mitts as desired to Peg Watson for distribution. He asked if the commission wanted SMART to put the bus stop signs back before the stops were made ADA compliant.

Chair McAdam made it clear the commission wanted all stops returned but only when they were ADA compliant.

James Beckes asked why all 23 bus stop signs were removed? Why were they not put back when construction was complete.

Jay Patel said it is still an active construction zone. It is not complete, and no one can be picked up or dropped off in an active construction zone.

City Councilman Doug Thomas asked who in the city supervised this project?

Kurt Giberson responded the city has no oversight, no responsibility, it is a MDOT project. The city has had the opportunity to look at the plans and nothing more.

Jane MacFarlane said MDOT was asked to attend Michigan Commission on Disability Concerns meetings but have yet to do so.

Chair McAdam mentioned that MCDC chair Duncan Wyeth had asked to be kept informed.

ADA Coordinator Susan Fitzmaurice asked how the Commission could be involved from the beginning in future projects.

Commissioner Swanson asked what was the difference between Warren and Michigan?

Kurt Giberson responded that Warren was simply resurfaced, while Michigan Avenue was a complete reconstruction.

Chair McAdam said we must demand that the state be in compliance with the ADA . A statement needs to be sent to Pat Cannon, the state ADA Coordinator. Commissioner Tishler said she appreciated that construction crews do the best they can, but the designers have got to get it right so this isn't; repeated again. Peg Watson suggested that the public be notified that the red mitts are available to be used during this construction period. People who ordinarily don't need them may need them now.

Jay Patel said that safety considerations have to be taken into account. Possibly a green belt will have to be put in. It is an important project to fix.

The commission agreed to the following motion:

**MOTION:** To resolve that the ADA Coordinator of Dearborn and Michigan work closely with MDOT to bring into compliance with the ADA the slope of the

sidewalks and reinstate all the buss stops. Motion by Chairman McAdam, seconded by Commissioner Swanson, unanimous approval.

Chair McAdam asked Jay Patel MDOT if it was reasonable to expect to hear back by the next commission meeting on March 17th. Jay Patel said he would put it on his calendar.

Chair McAdam asked if there were any further public comments.

Ray Roberson asked about the city's obligation to keep sidewalks clear of snow and if this included State roads like Michigan Avenue. Kurt Giberson replied that there are 43 miles on non-city roads in Dearborn and Dearborn maintains all of them. Changes will have to be made as existing equipment may not be usable with the current Michigan Avenue design. Jay Patel stated that he hoped we would be able to work together to resolve this problem.

BREAK

#### 7. Public Comments unrelated to Michigan Avenue

Michelle DaRos the Deputy Director of the Economic and Community Development office discussed the community Block Grant Fund procedure. She promised to keep the commission up-to-date on the progression of the grants being funded.

Donna Posant of the National Federation of the Blind discussed how important it was to have opportunities to work & to participate actively in society - and being able to take the bus is an intrinsic part of that.

Bill Debiasi introduced himself as the lawyer replacing Robert Hedges and would be the primary contact in regards to ADA issues.

Jane Mac Farlane discussed her involvement with the Henry Ford Community College as a student and how the student council hoped to do something together with the commission. She also described the changes the commission was going through with new staff and new commissioners.

#### 8. Strategic Plan

The strategic plan was distributed as previously passed.

Vice-chair Kreger reminded everyone that this is an ongoing process and this document will be constantly revised.

## 9. Committee and Commissioner Updates

Chair McAdam announced that Commissioner Claudia Damian had resigned effective immediately. The criteria to be a commissioner and the process to become one was reviewed. The audience was reminded that everyone is welcome to participate on committees and being a resident of Dearborn was not a requirement for committees, but is a requirement to serve as a commissioner.

Commissioner Hodak discussed her participation in the senior commission meeting. It was not well attended and she plans to discuss our ideas about a social event with them at their next meeting. She also mentioned that Commissioner Damian said she would continue to monitor the emergency 911 TTY calls and report back to the commission.

Commissioner Swanson provided a list of vendors being invited to participate in DAD. Please let him know of any additions. John Kemp has accepted the invitation to present at DAD. Enews will go out as soon as the ADA report is received.

Commissioner Filiak wondered what might be done to recognize Commissioner Damian's contribution to the commission and it was decided that we would send her flowers. Commissioner Tishler would arrange this.

ADA Coordinator Fitzmaurice mentioned that the Disability Film Festival was again going to take place the week of DAD. It was agreed we would discuss the potential of the commission's role at our next meeting .

10. Meeting Adjourned: 3:50 PM