

To: Honorable Mayor Tom Barrett
Milwaukee Common Council
From: Shirin Cabraal- Attorney, Disability Rights Wisconsin
Deb Falk-Palec, Chair, Milwaukee County Commission for People with Disabilities
Brian Peters, Community Access and Policy Specialist, Independence First
Tim Ochinoski, Director, Milwaukee County Office for People with Disabilities
Re: Dockless Bikeshare Ordinance #170441 and Resolution # 180592
Date July 27, 2018

The above listed organizations have been advocating for inclusion of people with disabilities in the Milwaukee bike share program since July 2015 without results. On October 3, 2017, Disability Rights Wisconsin, the Milwaukee County Commission for Persons with Disabilities and Independence First, filed a grievance with the City of Milwaukee ADA Coordinator, alleging that the operation of the Milwaukee bike share program discriminated against people with disabilities in violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and their implementing regulations, 28 C.F.R. § 35.130 (a) and 49 C. F. R. § 27.7 (a). Since then, the city has convened a work group to address the lack of access in Milwaukee's bike share program.

On July 18, 2018, a Dockless Bike Share Ordinance (file # 170441) and a Resolution (file # 180592) was on the Public Works Committee agenda. We were present at this meeting to provide comments and objections but were not permitted to do so by the chairman of the Committee. We strongly object to the Public Works Committee's approval of the ordinance and resolution without input from disability advocates.

There are several problems with the Ordinance and Resolution approved by the Committee. While the definition of a "bicycle" in the ordinance allows for the inclusion of some adaptive bikes, such as trikes and tandems, limiting the definition to "vehicles propelled by the feet" would exclude hand cycles, which are used by a significant number of people with disabilities.

We concur with the city's recognition, in both the Ordinance and Resolution, that dockless bike share has the potential for causing disruption and hazards in the public right-of-way. Therefore, for the safety of all people, we support the mandatory inclusion of lock-to technology in any dockless bike share program that operates in the City of Milwaukee.

We object to the failure of the Ordinance to require adaptive bikes as a prerequisite for any companies that submit bids. We strongly object to the Resolution which directs DPW to conduct a pilot study of dockless bike share systems wherein people with disabilities are being used to incentivize companies to increase their fleet size. (See DPW power point presentation p.7, file # 180592). Any dockless bikeshare pilot that is approved to operate in the City of Milwaukee must include adaptive bikes and lock-to technology from the outset. The continuation of bike share programs in the city that discriminate against people with disabilities, violates the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

cc. City of Milwaukee, Equal Rights Commission