



Commission on Disability

20a

CONSENT CALENDAR

October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Kathi Pugh, Chairperson

Subject: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).

POLICY COMMITTEE RECOMMENDATION

On September 16, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Lunaparra/Humbert) send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability. Vote: All Ayes

FISCAL IMPACTS OF RECOMMENDATION

Examples of PROWAG contract clauses are readily available to the Office of the City Attorney. Adoption of this recommendation should not require significant time or expense.

The City currently has a staff position assigned to investigate, monitor and enforce PROWAG. The job description of the City's ADA Program Coordinator states that "under general supervision" the position is tasked with "implementation of the City's ADA program which includes...receiving and investigating grievance, reviewing projects plans for accessibility, [and] training city staff."

CURRENT SITUATION AND ITS EFFECTS

Both the ADA Program Coordinator and 311 receive complaints when disabled pedestrians and wheelchair users confront hazardous conditions in the public right-of-way. City staff time, significantly by the ADA Program Coordinator, is already used to, in many cases, successfully secure compliance with PROWAG. In some cases, City contractors refuse to comply with accessibility guidelines—because the requirement to comply is not stipulated in their contract. This is often on large, months-long City projects that significantly alter and disrupt the public right-of-way.

Failure to comply with PROWAG creates serious safety hazards for people with disabilities. At times, wheelchair users are forced into busy streets when PROWAG is not followed. In 2024-2025, this occurred repeatedly at projects on Bancroft/Fulton, University and Shattuck Avenues.

In addition, Audible Information Devices that warn blind and low vision individuals about blocked and alternate routes are rarely used by City contractors or private construction companies. When employed, these warning devices are frequently useless. They are, with regularity, incorrectly placed, not operating and inaudible. The routine failure to address accessibility for blind and low vision pedestrians creates manifestly unsafe conditions.

The City of Berkeley Public Works Department must develop proactive and effective educational, monitoring and enforcement systems to ensure that disruptions in the public right-of-way, whether performed by the City, its contractors, or during private construction projects, conform to PROWAG standards. When the City is informed of potential violations, timely investigation and remediation must bring violations into PROWAG compliance.

With the passage of Measure FF and the significant street redesign projects that will result, complying with PROWAG technical standards—in both design and construction—is imperative. Over many years, significant resources will be devoted to improving the condition and safety of Berkeley streets and sidewalks. Attention to PROWAG must be the rule—and included in City contracts. When envisioning Berkeley's future, Safe Streets must include the safety of people with disabilities.

BACKGROUND

PROWAG defines aspects of the ADA not specified at the time of the groundbreaking law's passage in 1990. The ADA never specifically addressed accessibility in areas deemed the "public right-of-way." To support implementation of the ADA, the U.S. Access Board, a federal agency charged with promoting "equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards" created PROWAG. These accessibility guidelines were developed over the past two decades.

PROWAG was entered into the Federal Register in 2023 and adopted by the U.S. Department of Transportation in 2024. The City of Berkeley's 2020 Pedestrian Plan, Appendix B: Engineering and Design Guidance references PROWAG numerous times. CalTrans uses its technical standards. It is considered best practice. Yet, it does not hold the force of federally mandated law. Because of this, the City's ADA Program Coordinator has indicated that some City contractors are unwilling to follow PROWAG. This obstacle to securing the rights and safety of people with disabilities can be overcome by including a PROWAG clause in City contracts.

PROWAG will define the access standards expected by the City of Berkeley in the public right-of-way. It will make clear the City's commitment to accessibility guidelines, empower the ADA Program Coordinator to enforce those guidelines and give the City legal recourse should contractors fail to comply with the contract.

Yet a contract clause, without monitoring and enforcement of its obligations, is meaningless. For implementation, this recommendation requires a Public Works Department committed to the principles and technical standards outlined in PROWAG. We expect—and the City should secure—this level of accessibility and safety for the disability community.

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion(Fischer/Pugh):To approve the recommendation to City Council regarding the enforcement of PROWAG, with the ability to make small edits regarding Caltrans and the City's use of PROWAG.

Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway;.Nays: None
Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The PROWAG Contract Clause recommendation is a Strategic Plan Priority Project, advancing the City's goals in multiple areas:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- create a resilient, safe, connected, and prepared city;
- champion and demonstrate social and racial equity.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been considered.

CITY MANAGER

The City Manager recommends referring this item to the FITES Committee to better understand the potential costs and time impacts of undertaking the recommendation to streetscape projects.

CONTACT PERSON

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