



Office of the City Manager

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CONSENT CALENDAR

October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

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

RECOMMENDATION

Receive this report on Public Works' progress responding to the Commission on Disability's PROWAG referral and concur with the FITES Committee's recommendation to refer development of PROWAG compliance provisions for work in the public right-of-way (construction-zone access guidelines and City contract language, with City Attorney review) to the City Manager, with input from the Commission on Disability (CoD).

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

An assessment of comparable jurisdictions conducted in early 2026 found no other jurisdiction currently committed to full compliance with PROWAG within construction zones. This was primarily due to PROWAG not yet being fully adopted by the Federal government and concerns about the level of effort and costs associated with full compliance. This makes exact cost estimates challenging. However, adding compliance with PROWAG as a contractual requirement may result in contractors requiring additional compensation, additional inspection staff to assure compliance, and some one-time costs across departments to adjust current practices and educate staff.

Staff time for administering the recommendation has not been calculated within the following potentially impacted departments: City Attorney, Public Works; Parks Recreation and Waterfront; Planning and Development; and Health Housing and Community Services. City staff across multiple departments working in project delivery, permitting and inspections are not currently trained in PROWAG requirements. Training expenses have not been determined. Public Works ability to enforce PROWAG compliance will also be limited by having only one Right-of-Way inspector. Additional

inspectors would increase City's personnel costs and enable the City to proactively enforce these regulations. With only one traffic inspector, the City enforcement will be complaint driven and subject to staff availability. Public Works will assess inspection staffing needs as part of implementation through a review of the volume of complaints and observed compliance issues, including whether any portion of additional staff costs could be covered through relevant inspection fees and/or fines.

Public Works staff have evaluated the contractual, bidding, and specification language needed to be modified to require PROWAG compliance. Many documents and procedures across multiple groups and departments will need to be updated. The City Attorney's Office will be consulted on all draft contract provisions.

CURRENT SITUATION AND ITS EFFECTS

Public Works staff have met on multiple occasions with Commission on Disability subcommittee members to gather input around complying with PROWAG in construction zones. The final design of projects within Berkeley are generally compliant with PROWAG and have been for several years, which the CoD members affirmed. This achievement represents process improvements in both the Public Works Department and Planning and Development Department to ensure that approved plans for improvements in the public right-of-way prioritize accessibility.

CoD's concerns are primarily focused on maintaining PROWAG compliant access adjacent to construction sites in the City. These include a large number of sidewalk closures for new development projects, as well as improper or inadequate signs and guidance to provide accessible paths of travel through construction zones. Moreover, Public Works staff have heard from multiple members of the public, including the Transportation and Infrastructure Commission, expressing concern with both pedestrian and bicycle detours through construction zones.

State and federal regulations to which cities must adhere do not require compliance with PROWAG as it is not currently federal law. To require contractor compliance with PROWAG in construction zones, staff would have to include requirements into our contracts, specifications, and bid documents.

BACKGROUND

Following CoD review and action in April 2025, the CoD subcommittee approached the Public Works Department to address accessibility through and adjacent to all construction sites throughout the City. Public Works had previously started a process in 2023 or earlier to develop guidelines for accommodating pedestrians, cyclists, and transit riders at construction sites, but the process never concluded.

In early 2026, the Public Works Department updated the prior draft guidelines based on best practices and to ensure feasibility, and shared them with the CoD subcommittee and an ad-hoc subcommittee of the Transportation and Infrastructure Commission (TIC). Following edits based on stakeholder feedback, Public Works is ready to adopt

Berkeley's "Pedestrian, Bicycle, and Bus Facility Accommodation in Construction Zones" guidelines in November 1 2026.

Following adoption, these guidelines would apply immediately to Public Works permits issued for new development sites, and other permitted construction (e.g.; utility company actions) within the public ROW. Adopted, rather than draft, guidelines are necessary to enforce contractor compliance.

In addition, Public Works is proceeding with updating language within City contracts, bid documents, and pre-construction activities to highlight and require PROWAG compliance at job sites to ensure compliance for City-led construction projects that do not require permits. These are primarily construction contracts for capital projects managed by Public Works and Parks, Recreation and Waterfront. Staff anticipates that incorporating guidance into contract documents will take approximately 6-8 months.

CoD requested modifications to the City's 311 system to support reporting of PROWAG compliance issues and violations at construction sites. The CoD subcommittee provided specific modifications to support this reporting to 311. Public Works evaluated this request and supports this change. Public Works staff are working across departments to determine the feasibility of making the necessary system changes to 311.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Compliance with PROWAG in construction zones assures pedestrian access supporting walking as a viable mode of transportation for more trips. The Accommodation in Construction Zones guidelines also require improved protection to maintain cycling access adjacent to construction zones. Cycling and walking are zero emission travel modes which support the City's Climate and sustainability goals.

RATIONALE FOR RECOMMENDATION

The City anticipates that PROWAG is going to become federal law and is looking to take proactive steps to comply. Moreover, ensuring that construction zones prioritize pedestrian and bicycle safety and accessibility is consistent with numerous City of Berkeley policies. Given the volume of current and anticipated construction projects in Berkeley, adopting new guidelines is a high priority for the Public Works Department.

ALTERNATIVE ACTIONS CONSIDERED

City Council could give direction to delay implementation of PROWAG guidelines developed by the Public Works Department until federal adoption of PROWAG.

CONTACT PERSON

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Office of the City Manager

ACTION CALENDAR
06/03/2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jaime Parks, Director, Public Works

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

RECOMMENDATION

The City Manager recommends that the Public Right-of Way Accessibilities Guidelines item be referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee for discussion of potential impacts.

FISCAL IMPACTS OF RECOMMENDATION

An assessment of comparable jurisdictions that currently adhere to PROWAG would need to be conducted to begin to understand the costs for implementation and the potential long-term impact on contracting and timelines for streetscape infrastructure.

Additionally, staff time for the administration of the recommendation has not yet been calculated within the following potentially impacted departments: City Attorney, Public Works; Parks Recreation and Waterfront; Planning and Building; Health Housing and Community Services; and Finance. City staff across multiple departments acting as project managers serve as contract monitors and are not currently trained in PROWAG requirements. Training expenses have not yet been determined.

Time to develop the contractual language needed for implementation would additionally impact the City Attorney's Office, which has not been consulted to calculate the exact staff time required or the potential need for an outside contractor to draft the provisions.

CURRENT SITUATION AND ITS EFFECTS

The City Manager recommends that Council refrain from referring this matter to the City Attorney's Office at this time. Staff would first need to assess capacity to monitor contractors' adherence to PROWAG and to determine how to take remedial steps if contractors fail to comply with PROWAG.

PROWAG is not incorporated in state or federal guidelines to which cities are required to adhere, and there are no funds tied to citywide implementation. If a contractor was unwilling or unable to comply with PROWAG, staff do not currently have clear protocols for when or how to terminate the noncompliant contract. Currently, there are no

protocols for determining if qualified alternative contractors are readily available to fill any gaps created by non-PROWAG compliant contractors. Adding compliance with PROWAG as a contractual duty may result in contractors requiring additional compensation.

Staff have yet to analyze current budgetary constraints to determine if recommended implementation costs are feasible.

BACKGROUND

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

All future potential City contractors for projects related to lowering carbon emissions through upgrading the public right of way to encourage pedestrian and bicyclist use, would be required by the City to adhere to the PROWAG requirements. While many already do, including this in the contractual language, rather than in the design phase, may increase costs.

RATIONALE FOR RECOMMENDATION

Better understanding the PROWAG project and cost implications would be prudent ahead of mandating they be made.

ALTERNATIVE ACTIONS CONSIDERED

Staff could begin the process to study the cost of implementation, but the time required for that study would necessitate an outside contractor to supplement current staffing. A working group consisting of the aforementioned departments impacted by PROWAG requirements could be convened to begin to determine feasibility. There are not currently any funds dedicated in the City Budget for a study by an outside contractor or an interdepartmental working group.

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