



**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE
REGULAR MEETING**

**Wednesday, May 20, 2026
2:00 PM**

Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA 94704

Committee Members:

Councilmembers Terry Taplin, Cecilia Lunaparra, and Mark Humbert
Alternate: Mayor Adena Ishii

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 165 256 4584**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - April 15, 2026

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. **Affirming All-Electric Standards for the 2026 Infrastructure Bond Measure and City Capital Projects**

From: Environment and Climate Commission

Referred Date: May 4, 2026

Due Date: October 19, 2026

Recommendation: The Berkeley Environment and Climate Commission recommends that the City Council adopt a resolution to: -Adopt a formal policy prohibiting the installation of new natural gas infrastructure (hereafter referred to as "gas") or the replacement of existing gas equipment with new gas equipment in any project funded by the proposed 2026 General Obligation Bond Measure; -Include explicit all-electric construction and retrofit language in the bond measure itself; and - Direct staff to apply this no-new-gas standard as a condition of all City capital spending, beyond bond-funded projects, thus affirming that public funds shall not be used to install new gas infrastructure in any municipal facility.

Financial Implications: See report

Contact: Sarah Moore, Commission Secretary, (510) 981-7400

3. **Discussion Item: 5-Year Paving Plan Update**

From: City Manager

Contact: Wahid Amiri, Public Works, (510) 981-6300

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

Unscheduled Items

4a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

From: Commission on Disability

Referred Date: May 20, 2025

Due Date: May 31, 2026

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).

Financial Implications: See report

Contact: Thomas Gregory, Commission Secretary, (510) 981-6300

4b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

From: City Manager

Referred Date: May 20, 2025

Due Date: May 31, 2026

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.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment

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*Written communications addressed to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee and submitted to the City Clerk Department will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.*

### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 14, 2026.



Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*

**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,  
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE  
REGULAR MEETING MINUTES**

**Wednesday, April 15, 2026  
2:00 PM**

2180 Milvia Street, Berkeley, CA 94704  
Teleconference Location: 1027 Bancroft Way, Berkeley, CA 94710

Committee Members:

Councilmembers Terry Taplin, Cecilia Lunaparra, and Mark Humbert  
Alternate: Mayor Adena Ishii

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 758 3394**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov). All Committee meetings are recorded.

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## MINUTES

**Roll Call:** 2:04 p.m.

**Present:** Councilmembers Taplin, Humbert and Lunaparra

**Public Comment on Non-Agenda Matters:** 5 speakers.

### Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

1. **Minutes - March 18, 2026**

**Action:** M/S/C (Taplin/Humbert) to approve the March 18, 2026 minutes.

**Vote:** All Ayes.

### Committee Action Items

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items

2. **Scheduling Hopkins Street for Paving with Pedestrian Safety Improvements**  
**From: Councilmember O'Keefe (Author), Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Referred: January 26, 2026**  
**Due: June 15, 2026**  
**Recommendation:** Refer to the City Manager to prioritize paving Hopkins Street from Sutter to San Pablo with pedestrian safety improvements by Fiscal Year 2026-27 or FY 2027-28 at the latest. Refer to the City Manager to work with the Department of Public Works to: 1. Perform an in-house safety assessment of Hopkins, west of Gilman Street to recommend appropriate pedestrian safety enhancements; 2. Incorporate pedestrian safety improvements into the paving project, including but not limited to additional and improved crosswalks, lighting enhancements, and traffic calming measures consistent with the City's Vision Zero and Pedestrian Plans; and 3. Return to Council by May 2026, as part of the biennial budget development process, for FY 2026-28 with a recommended timeline, scope of work, cost and funding source(s).  
**Financial Implications:** See report  
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150  
**Action:** 64 speakers. M/S/C (Lunaparra/Taplin) to send the item to council with a qualified negative recommendation to be rejected unless amended to include; protected bike lanes on Hopkins Street from Sutter to Gilman; direction to staff to develop and present options for extending the bike lane infrastructure westward to Acton, Peralta, or Stannage; direction to staff to immediately identify and secure funding for all proposed pedestrian, transit and bicycle improvements, and direction to staff to utilize existing completed traffic studies and prior public process outcomes to limit unnecessary delays and costs.  
**Vote:** All Ayes.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

- 3a. **Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)**  
**From: Commission on Disability**  
**Referred: May 20, 2025**  
**Due: May 31, 2026**  
**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).  
**Financial Implications:** See report  
Contact: Thomas Gregory, Commission Secretary, (510) 981-6300

## Unscheduled Items

- 3b. **Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)**  
**From: City Manager**  
**Referred: May 20, 2025**  
**Due: May 31, 2026**  
**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.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300
4. **Discussion Item: 5-Year Paving Plan Update**  
**From: City Manager**  
Contact: Wahid Amiri, Public Works, (510) 981-6300

## Items for Future Agendas

- None

## Adjournment

**Action:** M/S/C (Humbert/Lunaparra) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 4:38 p.m.

I hereby certify that the foregoing is a true and correct record of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee meeting held on April 15, 2026.

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Denise Burgara, Assistant City Clerk

## Communications

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Environment & Climate Commission

CONSENT CALENDAR  
May 19, 2026

To: Honorable Mayor and Members of the City Council  
 From: Berkeley Environment and Climate Commission (ECC)  
 Submitted by: Alison LaBonte, Chairperson, ECC  
 Subject: Affirming All-Electric Standards for the 2026 Infrastructure Bond Measure and City Capital Projects

### RECOMMENDATION

The Berkeley Environment and Climate Commission recommends that the City Council adopt a resolution to:

- Adopt a formal policy prohibiting the installation of new natural gas infrastructure (hereafter referred to as “gas”) or the replacement of existing gas equipment with new gas equipment in any project funded by the proposed 2026 General Obligation Bond Measure;
- Include explicit all-electric construction and retrofit language in the bond measure itself; and
- Direct staff to apply this no-new-gas standard as a condition of all City capital spending, beyond bond-funded projects, thus affirming that public funds shall not be used to install new gas infrastructure in any municipal facility.

### FISCAL IMPACTS OF RECOMMENDATION

All-electric construction is increasingly cost-competitive with gas-dependent construction. Electric systems eliminate ongoing gas utility costs, reduce long-term maintenance burdens, and position City facilities to benefit from falling costs of electric technologies. Any potential upfront cost differential is outweighed by the quantifiable benefits to public health, lifecycle savings, and avoided climate risk. No new appropriation is required to implement this policy direction.

### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is preparing a proposed \$300 million General Obligation Bond Measure for the November 2026 ballot. The measure proposes to fund major capital projects across three categories: Parks, Recreation, and Waterfront; General Facilities and Buildings; and Fire Department facilities.

This bond measure represents one of the largest single investments in municipal infrastructure in Berkeley's recent history — and one of the most significant opportunities to permanently align City capital spending with Berkeley's climate

commitments. Many of the proposed projects involve ground-up construction or comprehensive building renovations, making them ideal candidates for all-electric design at little or no additional cost.

Despite Berkeley's status as a national leader in building electrification policy, passing a first-in-the-nation ban on natural gas in new construction in 2019, there are no longer any laws prohibiting natural gas use in buildings, and no explicit electrification requirement has been proposed for the bond measure. While the 2024 ruling by the Ninth Circuit in opposition to Berkeley's natural gas ban, and recent changes in state law limit changes to the building code, no restrictions exist on how a municipality chooses to direct its own spending. Other Bay Area cities, such as San Francisco, enacted all electric requirements applying to city buildings before proceeding to more expansive requirements that remain in force to this day. Without such a requirement, bond-funded projects could default to gas equipment for heating, cooking, water heating, or other building systems, locking in fossil fuel infrastructure for decades and undermining the City's climate goals.

This is a strategic planning priority, advancing Berkeley's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

At the March 25, 2026 meeting, the commission took the following action:

Action: M/S/C (Ranney/Binns) to approve the substantive content of the report to Council, regarding the inclusion of building electrification in relation to the potential City of Berkeley \$300M General Obligation Bond for the November 2026 Ballot and municipal capital projects, as revised at the March 25, 2026 meeting, with additional minor edits to ensure consistency and clarity throughout.

Vote: Ayes - Ranney, La Bonte, Tahara, Mahmoudian, Kesselman, Binns, Brown, Athanasiou, Syed; Noes - None; Abstain - None; Absent - McGuire.

### BACKGROUND

The proposed 2026 bond measure applies to existing and new municipal buildings, which is a domain where the City has full discretion over construction standards. The City is free to ensure that its own facilities reflect its stated climate values, and has a rare opportunity to do so on a large scale.

The list of proposed projects span a wide range of building types and uses. Where projects involve full replacement or substantial renovation, such as community centers, fire stations, the Fire Training Center, and multiple civic buildings, all-electric design is achievable with current technology and at competitive cost. For projects involving more limited scope (e.g., mechanical system upgrades), a no-new-gas standard would at minimum prevent the installation of new gas-fired equipment where electric alternatives

are available. The City should also strongly consider reducing reliance on other fossil fuel infrastructure where suitable alternatives exist, such as solar and storage for backup power.

Furthermore, the proposed bond measure explicitly lists "energy-efficient systems and lower long-term costs" and "environmental sustainability and resilience" among its stated values in evaluating and prioritizing projects. Codifying an all-electric requirement in the bond measure language is a direct and concrete expression of those values and a fulfillment of the measure's own stated goals. Such a requirement, both applying to projects funded by the bond measure and all future city projects, would implement crucial components of the Berkeley Existing Buildings Electrification Strategy, adopted by Council in 2021<sup>1</sup>.

The public is supportive. Council polling of the measure revealed that the top infrastructure priority for Berkeley residents was climate resilience, with 35% of residents listing it as one of their top two priorities<sup>2</sup>.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Natural gas combustion in buildings is a significant source of greenhouse gas emissions and indoor air pollution. Installing new or replacement gas infrastructure in bond-funded municipal buildings would:

- Lock in fossil fuel dependency in City-owned facilities for 20–40 years, well beyond Berkeley's 2045 carbon neutrality target;
- Undermine Berkeley's credibility as a climate leader and signal to the public that the City's electrification commitments do not apply to its own operations; and
- Expose building occupants, including community members (especially the more vulnerable young and elderly), fire fighters, and City employees, to the known indoor air quality risks associated with gas combustion appliances, which approach \$1 billion annually across the Bay Area<sup>3</sup>.

Conversely, requiring all-electric construction across bond-funded projects (and all City capital spending) would meaningfully reduce municipal emissions, improve indoor air quality in public facilities, demonstrate institutional leadership, and create durable, future-proof infrastructure aligned with California's clean energy grid trajectory.

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<sup>1</sup> <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Existing-Buildings-Electrification-Strategy.pdf>

<sup>2</sup> <https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-03-17%20Special%20Agenda%20Packet%20-%20Council.pdf>

<sup>3</sup> [https://www.baaqmd.gov/~/\\_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230127\\_factsheet\\_rg09040906-pdf.pdf?rev=29d5bd3e4204460298a2ca1f02ac9214&sc\\_lang=en](https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230127_factsheet_rg09040906-pdf.pdf?rev=29d5bd3e4204460298a2ca1f02ac9214&sc_lang=en)

RATIONALE FOR RECOMMENDATION

1. The bond measure is the right vehicle. Because the bond measure will govern how hundreds of millions of dollars are spent on City facilities over the next decade, it is the ideal place to enshrine an electrification requirement. Including it in the measure language increases public accountability and provides another reason for Berkeley voters to support it.
2. City polling indicates that the public is highly supportive of climate and green infrastructure goals.
3. There is no technical barrier. All-electric construction is viable across every project type in the proposed portfolio. Several of the proposed projects have already completed conceptual design; the Commission encourages the City to verify and update those designs to reflect an all-electric standard where they have not already done so.
4. The City's own spending is within its control. Berkeley can and should hold its own buildings to the highest electrification and emissions standards to improve the health of its residents and that of the environment.

ALTERNATIVE ACTIONS CONSIDERED

n/a

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report, recognizing that this has been the City of Berkeley's typical practice since 2020, when the since-repealed Prohibition on Natural Gas Infrastructure in New Buildings became effective.

In addition, to improve regional air quality and reduce the amount of NOx and particulate matter emissions, the Bay Area Air District has adopted zero NOx emissions standards for natural gas fired furnaces and water heaters (Rules 9-4 and 9-6). These rules begin implementation on Jan 1, 2027 (for water heaters under 75,000 BTU/hr, typically residential size) and will impact commercial furnaces on Jan 1, 2029, and commercial water heaters (75,000 – 2M BTU/hr) on Jan 1, 2031. Electric heat pumps will comply with these regulations, applicable to all sales and installations in the Bay Area, in both replacements in existing construction and in new construction.

Although electrification is now standard practice and will increasingly be required throughout the Bay Area for water and space heating, the City Manager notes that there may be limited instances in which exceptions to the electrification of municipal facilities during new construction or the replacement of existing gas equipment may be needed. For example, electrical and/or physical constraints of an existing municipal facility or local grid capacity may limit or eliminate safe, effective electrical replacement options for gas systems at time of replacement. Among the infrastructure projects currently

under consideration for funding through the potential bond measure, the King Pool may require a gas alternative.

If such an exception would be sought due to technical infeasibility, the City Manager would come to City Council for approval of a gas alternative.

CONTACT PERSON

Alison LaBonte, Chairperson, ECC

Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.

**Affirming All-Electric Standards for the 2026 Infrastructure Bond Measure and City Capital Projects**

WHEREAS, installing new or replacement natural gas infrastructure in bond-funded municipal buildings would lock in fossil fuel dependency in City-owned facilities for 20–40 years, well beyond Berkeley's 2045 carbon neutrality target; and

WHEREAS, installing new or replacement gas infrastructure in bond-funded municipal buildings would undermine Berkeley's credibility as a climate leader and signal to the public that the City's electrification commitments do not apply to its own operations; and


WHEREAS, installing new or replacement gas infrastructure in bond-funded municipal buildings would expose building occupants, including community members (especially the more vulnerable young and elderly), fire fighters, and City employees, to the known indoor air quality risks associated with gas combustion appliances, which approach \$1 billion annually across the Bay Area; and

WHEREAS, requiring all-electric construction across bond-funded projects and all City capital spending would meaningfully reduce municipal emissions, improve indoor air quality in public facilities, demonstrate institutional leadership, and create durable, future-proof infrastructure aligned with California's clean energy grid trajectory.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley will adopt a formal policy prohibiting the installation of new natural gas infrastructure (hereafter referred to as “gas”) or the replacement of existing gas equipment with new gas equipment in any project funded by the proposed 2026 General Obligation Bond Measure;

BE IT FURTHER RESOLVED that that the City of Berkeley will include explicit all-electric construction and retrofit language in the bond measure itself; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley will direct staff to apply this no-new-gas standard as a condition of all City capital spending, beyond bond-funded projects, thus affirming that public funds shall not be used to install new gas infrastructure in any municipal facility.



No Material  
Available for  
this Item

There is no material for this item.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Webpage:**

<https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-facilities-infrastructure-transportation-environment-sustainability>





Commission on Disability

ACTION CALENDAR  
06/03/2025

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).

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

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418





Office of the City Manager

**04b**

ACTION CALENDAR  
06/03/2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, 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 contactors 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.

### CONTACT PERSON

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