

## **Commission on Disability**

### **DRAFT Meeting Agenda: April 9, 2025 at 5pm**

**North Berkeley Senior Center, Aspen Room  
1901 Hearst Avenue, Berkeley, CA 94709**

#### **Preliminary Matters**

1. Call to Order by Chair Pugh
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
4. Public Comments
 

The public is invited to comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.
5. Approval of draft minutes: February and March meetings\*
6. Approval: Order of Agenda\*

#### **Presentation**

#### **Commissioner Reports/Announcements**

#### **Discussion/Action Items**

7. Discussion and votes on edited WCAG and PROWAG Contract Clause recommendations to Council\* - 20 minutes
8. Accessibility language prior to and needs at City meetings/events - 10 minutes
9. Recommendations for FF - 10 minutes
10. Documenting dangerous and non-compliant PROWAG conditions - 10 minutes
11. Work Plan Development - 15 minutes
  - a. Working groups
  - b. Ideas on format, next steps and timelines
  - c. Presentations to advance Work Plan priorities

#### **Staff Updates** - 15 minutes

12. Log of Access Complaints\*
13. Email and voicemail sent to the Commission\*

#### **Adjournment**

- \*     **Written material included in packet.**  
 \*\*    **Written material to be delivered at meeting.**  
 \*\*\*   **Written material previously distributed.**

### **PUBLIC ACCESS TO AGENDA**

Agenda posted: 1) on the bulletin board at Old City Hall (2134 MLK Jr. Way); 2) North Berkeley Senior Center (1901 Hearst Avenue); 3) City of Berkeley website ([link](#))

A complete monthly agenda packet is available for public review at <https://berkeleyca.gov/your-government/boards-commissions/commission-disability>. Physical agenda packets are reviewable during business hours at the Berkeley Central Library (2090 Kittredge St.) and at 1947 Center Street, 4<sup>th</sup> Floor.

### **ADA ACCOMMODATIONS**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including remote participation, auxiliary aids or services, please contact the **ADA Program Coordinator at (510) 981-6418 (V) or (510) 981-6347 (TDD)** at least 72 hours before the meeting commences. Please refrain from wearing scented products to this meeting.

### **PUBLIC RECORD INFORMATION**

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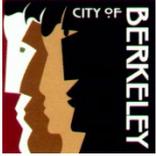
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4<sup>th</sup> Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

**Secretary:**

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**Mailing Address:**

Commission on Disability  
c/o Thomas Gregory  
1947 Center Street  
Berkeley, CA 94704



## Commission on Disability

### DRAFT Minutes re February 19, 2025

#### Preliminary Matters

1. Call to Order by Chair Fischer at 5:03pm
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary

Commissioners present: Vice Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Lewkowicz, Commissioner Paz, Commissioner Mann, and Commissioner Holloway.

Commissioner on a Leave Of Absence: Commissioner Sun

Staff present: Thomas Gregory, Guillermo Campus, Dani Dynes, and Eric Anderson

Public members present: Chris Kidd (presenter), Betsy Morris, Nancy Rader, David Cook, Donna Diemar, Cam Crolick, Christopher Hamilton, Michaela Seetu, Michai Freeman, Erik Knaresboro, Daveed Mandell, and Anonymous x 3.

#### 4. Public Comments

The public may comment about any item not on the agenda. Public comments on agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.

- Anonymous made a comment regarding the failure of some private landlords in Berkeley to comply with access laws and the difficulty/impossibility of getting relevant support from City government or local CBOs.
- Betsy Morris, from the Grey Panthers, spoke in favor of the City's decision to place a public toilet at the corner of University and San Pablo, which benefits people with disabilities, unhoused people, and others.

#### 5. Approval of draft minutes re January 8, 2025 meeting

"...to approve the January minutes as drafted."

Moved by: Chair Fischer; seconded by Commissioner Pugh.

Abstention: Vice Chair Walsh

Ayes: Chair Fischer, Commissioners Pugh, Lewkowicz, Paz, Mann, and Holloway.

Nays: none. The motion passes.

#### 6. Approval: Order of Agenda

"...to eliminate Item #8 from agenda, to move the existing Item #11 to where Item #8 used to be, and to swap the order of Items # 12 and #13.

Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.

Ayes: unanimous. The motion passes.

#### Presentations

7. Updates (2025) to the City Bike Plan: Christopher Kidd (Senior Planning Associate, Alta Planning + Design, Inc.) and Dani Dynes (Associate Planner, CoB Public Works Dept.) – 30 minutes

Public comment from Betsy Morris re bikes, e-bikes, charging stations, and other topics.

8. ~~Update on City's traffic and parking design, including bike and transit lanes: Charmine Solla~~

~~(Traffic Engineer, Consultant to CoB Public Works Dept.)—30 minutes~~

This agenda item, cancelled prior to the meeting, was eliminated as per Item 6, above.

### **Commissioner Reports/Announcements - 5 minutes**

### **Discussion/Action Items**

#### 11. Nominations and Elections for Chair and Vice Chair - 20+ minutes

Roll call vote "...to elect Kathi Pugh as Chair."

Moved by: Commissioner Lewkowicz; seconded by: Chair Fischer.

Ayes: Vice Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Lewkowicz, Commissioner Mann, and Commissioner Holloway.

Abstention (by virtue of early departure from meeting): Commissioner Paz.

Nays: none. The motion passes; Chair Pugh's tenure begins.

Roll call vote "...to elect Rena Fischer as Vice Chair."

Moved by: Chair Pugh; seconded by: Commissioner Holloway.

Ayes: Vice Chair Walsh, Commissioner Fischer, Chair Pugh, Commissioner Lewkowicz, Commissioner Mann, and Commissioner Holloway.

Abstention (by virtue of early departure from meeting): Commissioner Paz.

Nays: none. The motion passes; Vice Chair Fischer's tenure begins.

#### 12. Community-initiated Letter to City Council on Measure FF\* - 15 minutes

Public comments from Nancy Rader, Anonymous, David Cook, Betsy Morris, Donna Diemar, Michai Freeman, Michaela Seetu, Cam Crolick, and Christopher Hamilton.

Most public comments wanted the CoD to explicitly support the Berkeleyans for Accessible Rights-of-Way letter and their recommendations regarding Measure FF.

#### ~~13. Notification of Accommodations at City Meetings and Events—15 minutes~~

### **Staff Updates**

#### ~~14. Log of Access Complaints—5 minutes~~

This item moved as per Item #6, above.

#### ~~15. Email and voicemail sent to the Commission—5 minutes~~

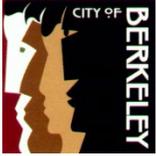
This item moved as per Item #6, above.

**Adjournment** by unanimous vote at 7:45pm.

(Items 13-15 were postponed until the March meeting.)

Minutes approved by CoD vote on: \_\_\_\_\_

\_\_\_\_\_  
Thomas Gregory, Secretary to Commission



# Commission on Disability

**DRAFT Minutes re March 12, 2025**

## **Preliminary Matters**

1. Call to Order by Chair Pugh at 5:02pm
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
  - Commissioners present: Commissioner Walsh, Vice Chair Fischer, Chair Pugh, Commissioner Sun, Commissioner Lewkowicz, Commissioner Mann, and Commissioner Holloway.
  - Commissioner on a Leave of Absence: Commissioner Paz.
  - Staff present: Thomas Gregory, Guillermo Campus, Amy Johnson (observing only), and Olga Bolotina (observing only).
  - Public members present: Erik Knaresboro.

## 4. Public Comments

The public may comment about any item not on the agenda. Public comments on agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.

- Erik Knaresboro commented on the importance of addressing the potential for flooding of Berkeley's streets and rights-of-way during storms.

## 5. Approval of draft minutes: February 19, 2025 meeting

"...to vote on to-be-amended draft February 2025 minutes at the April 2025 CoD meeting."

Moved by: Vice Chair Fischer; seconded by: Commissioner Holloway.

Ayes: unanimous.

The motion passes.

## 6. Approval: Order of Agenda

"...to accept the March agenda as drafted."

Moved by: Vice Chair Fischer; seconded by: Chair Pugh.

Ayes: unanimous.

The motion passes.

## **Commissioner Reports/Announcements** — 5 minutes

7. Form 700 filing due by April 1, 2025

## **Discussion/Action Items**

8. Proposed changes to 2025 meeting calendar — 10 minutes
9. Recommendations for & notification of accommodations at City meetings/events — 30 minutes
10. Process for CoD recommendations on Measure FF — 30 minutes

## **Staff Updates**

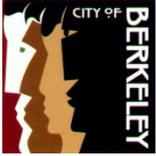
11. Log of Access Complaints — 10 minutes

12. Email and voicemail sent to the Commission — 5 minutes

**Adjournment** – by vote at 6:45pm.

Minutes approved by CoD vote on: \_\_\_\_\_

\_\_\_\_\_  
Thomas Gregory, Secretary to Commission



## Commission on Disability DRAFT Minutes: March 12, 2025

North Berkeley Senior Center, Aspen Room  
1901 Hearst Avenue, Berkeley, CA 94709

### Preliminary Matters

1. Call to Order by Chair Pugh at 5:02pm
2. Land Acknowledgment recognizing Berkeley as the ancestral, unceded home of the Ohlone People
3. Roll Call by Secretary
  - Commissioners present: Commissioner Walsh, Vice Chair Fischer, Chair Pugh, Commissioner Sun, Commissioner Lewkowicz, Commissioner Mann, and Commissioner Holloway.
  - Commissioner on a Leave of Absence: Commissioner Paz.
  - Staff present: Thomas Gregory, Guillermo Campus, Amy Johnson (observing only), and Olga Bolotina (observing only).
  - Public members present: Erik Knaresboro.
4. Public Comments
  - The public may comment about any item not on the agenda. Public comments on agenda items will be heard while the Commission is discussing the item. Public comments are limited to three minutes per speaker.
  - Erik Knaresboro commented on the importance of addressing the potential for flooding of Berkeley's streets and rights-of-way during storms.
5. Approval of draft minutes: February 19, 2025 meeting
  - "...to vote on to-be-amended draft February 2025 minutes at the April 2025 CoD meeting."
  - Moved by: Vice Chair Fischer; seconded by: Commissioner Holloway.
  - Ayes: unanimous. The motion passes.
6. Approval: Order of Agenda
  - "...to accept the March agenda as drafted."
  - Moved by: Vice Chair Fischer; seconded by: Chair Pugh.
  - Ayes: unanimous. The motion passes.

### Commissioner Reports/Announcements — 5 minutes

7. Form 700 filing due by April 1, 2025

### Discussion/Action Items

8. Proposed changes to 2025 meeting calendar — 10 minutes
  - Following discussion, no changes to the meeting schedule were made.
9. Recommendations for & notification of accommodations at City meetings/events — 30 minutes
  - Following discussion, a working group was formed including Commissioners Holloway and Sun
10. Process for CoD recommendations on Measure FF — 30 minutes

Following discussion, a working group was formed including Commissioners Fischer, Holloway, and Lewkowicz.

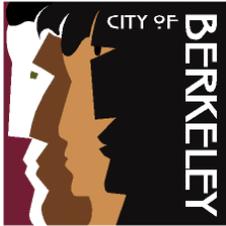
**Staff Updates**

- 11. Log of Access Complaints — 10 minutes
- 12. Email and voicemail sent to the Commission — 5 minutes

**Adjournment** – by vote at 6:45pm.

Minutes approved by CoD vote on: \_\_\_\_\_

\_\_\_\_\_  
Thomas Gregory, Secretary to Commission



Health, Housing & Community  
Services Department  
Commission on Aging

## COMMISSION ON AGING REGULAR MEETING MINUTES

Wednesday, February 19, 2025  
1:30 p.m.

### 1. Roll Call

Present: (8) Cochran, Yamaguchi, Orrick, Lavault, Collins, Porter, Evans, Chisholm

Absent:

Excused Absence:

Staff Present: (2) Darlene Bronson, Donnaracia Scurry

Public: (8)

### 2. Public Comment (6)

### Presentation

Jessica Rothhaar, Senior Public Policy Manager of Northern California and Northern Nevada Alzheimer's Association.

### Staff Report

Oanh Guise provided an update on the Age-Friendly Budget. She outlined 4 areas of senior services: the senior centers, (SSU) case management, Meals on Wheels, and transportation (taxi scrip, Go Go Grandparent).

### Action Items

#### 1. Motion to send a letter to the Fire Department supporting hybrid meetings for upcoming fire planning workshops

M/S: Evans / Cochran

Ayes: Orrick, Porter, Yamaguchi, Lavault, Orrick

Noes: None

Abstain: None

**Motion passed.**

#### 2. Motion to move the discussion on newly passed Measure FF and schedule a presentation on FF to a future meeting after March

M/S: Orrick / Cochran

Ayes: Collins, Porter, Yamaguchi, Evans, Lavault

Noes: None

Abstain: None

**Motion passed.**

#### 3. Motion to elect Lavault as Chair

M/S: Orrick

Ayes: Collins, Porter, Yamaguchi, Evans, Lavault, Chisholm

Noes: None

Abstain: None

**Motion passed.**

**4. Motion to elect Yamaguchi as Vice Chair**

M/S: Orrick

Ayes: Collins, Porter, Yamaguchi, Evans, Lavault, Chisholm

Noes: None

Abstain: None

**Motion passed.**

**Discussion Items**

1. Orrick asked for a presentation on Measure FF by City of Berkeley Staff to be presented at a future meeting after March.
2. Commissioners opted to not create bylaws at this time. This will be a continued discussion.
3. Commissioners discussed creating a Commission on Aging work plan for 2025. We agreed to review the 2022 available work plan created by Porter for discussion at next month's meeting.
4. Reviewed the letter addressed to Mayor Ishii from Berkeleyans for Accessible Rights-of-Way, Commissioners did not sign the letter and will create their own letter. Porter/Chisholm volunteered to form a working group.
5. Commissioners decided to reschedule Orrick's report on the Senior Resource Fair until next month's meeting.

**Commissioners adjourned at 3:27p.m.**

Minutes Approved on:

*Darlene Bronson*

3/19/2025

Darlene Bronson, Commission Secretary



TRANSPORTATION and INFRASTRUCTURE COMMISSION  
**REGULAR MEETING**  
**DRAFT MINUTES**

Thursday, February 20<sup>th</sup>, 2025, 6:15 pm

North Berkeley Senior Center  
 1901 Hearst Avenue  
 Berkeley, CA, 94709

**A. PRELIMINARY BUSINESS**

**1. Call to order**

**6:15 pm:** Chair Zaro called the meeting to order.

**2. Roll call**

**6:15 pm:**

Commissioners Present: Arsh Singh Hothi, Adrian Leung, Liza Lutzker, Julia Moss,  
 Karen Parolek, Holly Scheider (arrived at 6:33 pm), Kim Walton  
 (arrived at 6:33 pm), Ren Zaro

Staff Present: Wahid Amiri, Ron Nevels, Noah Budnick, Elmar Kapfer, Uriel  
 Gonzalez, Selam Mehari, Elaine Hargraves, Charmine Solla  
 (consultant)

6:17 pm: Eleven members of the public present.

**3. Public comment on items not on the agenda**

**6:17 pm:** Four public comments.

**4. Approval of minutes from the January 16<sup>th</sup>, 2025 meeting**

**6:24 pm Action:** It was Moved / Seconded (Moss / Hothi) to approve the minutes.

**6:26 pm: Vote:**

Ayes: Hothi, Leung, Lutzker, Moss, Zaro

Noes: None

Abstain: Parolek

Absent: Scheider, Walton

Excused: None

Recused: None

**6:26 pm Motion passed 5-0-1-2-0-0**

**5. Approval and Order of Agenda**

**6:25 pm:** No changes.

**6. Update on administration and staff**

**6:25 pm:** Deputy Director Wahid Amiri provided updates and answered Commissioner questions about the Transportation Division hiring two staff to work on the Traffic

Transportation and Infrastructure Commission  
Thursday, February 20<sup>th</sup>, 2025

Calming program, an increase from one to two staff for this program, which has accumulated forty-eight requests over the two years the program has not been staffed; Public Works is working with an executive recruiting firm to hire a new Transportation Manager, with the first round of interviews scheduled for March; the Transportation Division is advancing an offer for an Associate Transportation Engineer to work on development review and other transportation engineering tasks.

Engineering Division Manager Ron Nevels provided updates and answered Commissioner questions about the departure of the division's Supervising Civil Engineer who oversaw the Paving program; making an offer to an Associate Civil Engineer for development, inspections, utilities and land use; recruiting a Junior Public Works Engineer for Sewers; the retirement of an Engineering Inspector for Sewers.

6:29 pm: Thirteen members of the public present.

Deputy Director Amiri provided an update and answered Commissioner questions about Measure FF planning.

**7. Announcements**

**7 pm:** New commissioners Arsh Singh Hothi and Holly Schieder introduced themselves; Chair Zaro announced that two Berkeleyites were killed in traffic in the last month: Elise Lusk and Michael Burawoy.

**B. DISCUSSION / ACTION ITEMS**

**1. Chair and Vice Chair elections**

**7:04 pm:** Commissioners acted on the nominations for Chair and Vice Chair that were approved at the January 16, 2025 Transportation and Infrastructure Commission meeting.

**7:06 pm Action:** It was Moved / Seconded (Parolek / Walton) to elect Ren Zaro as Commission Chair and Adrian Leung as Vice Chair.

**7:06 pm: Vote:**

Ayes: Hothi, Leung, Lutzker, Moss, Parolek, Scheider, Walton, Zaro

Noes: None

Abstain: None

Absent: None

Excused: None

Recused: None

**7:06 pm Motion passed 8-0-0-0-0-0**

Transportation and Infrastructure Commission  
Thursday, February 20<sup>th</sup>, 2025

**2. Informational presentation on Restrooms in the Public Right of Way**

**7:07 pm:** Public Works staff presented on the design and construction of three new public restrooms in the public right of way at the following locations: 1. Telegraph-Channing, 2. Alcatraz-Adeline and 3. San Pablo-University.

7:07 pm: Fifteen members of the public present.

**7:20 pm:** Commissioners asked clarifying questions and staff responded on the following topics: how UV light deters drug use; maintenance at each location; vandalism and graffiti; whether the City owns or leases the restrooms; replacement units and parts; and, ADA accessibility.

**7:31 pm:** Members of the public commented on the economic condition of the intersection of University and San Pablo avenues; local business owners, including Metro Lighting, the Berkeley Design Loop and the University Merchants Association, do not want the restroom at University and San Pablo; the City's Homeless Services Panel of Experts supports all three restroom locations; concerns about homeless people making a mess and attacking people at University and San Pablo; not having an unsupervised restroom at University and San Pablo; delaying the decision to install a restroom at University and San Pablo in order to develop a plan for everyone in the community; the unwelcoming nature of University and San Pablo for people coming into Berkeley from the I-80/580 University Avenue exit.

**7:45 pm:** Commissioners asked questions and made comments on the need for Public Works to liaise with other departments on safety, public health and related issues; the need to coordinate with the Planning and Building Department on the San Pablo Avenue Corridor Specific Plan; the positive benefits of public infrastructure; the need for key performance indicators (KPIs) for the restrooms to measure success and build support for more; learning from other cities that have installed public restrooms in the public right-of-way; need for more City funding for public restrooms; the business vacancy problem in the neighborhood around the University and San Pablo intersection is separate from the homelessness problem; the need for the market to lower rents there; the public outreach process for this restroom project; whether or not there's data showing that public restrooms hurt local economies or increase crime; if the restrooms will limit the amount of time people can spend in them; whether or not the City can do a trial; bus operators needs bathrooms; connecting with Urban Alchemy and BART transit ambassadors about supervision.

**3. 2025 Transportation and Infrastructure Commission Work Plan Discussion**

**8:31 pm:** Commissioners reviewed the process for developing past work plans and the 2025 work plan.

8:31 pm: Three members of the public present.

**8:37 pm:** Members of the public commented on including the Stormwater Management Plan; safety for women; using escorts to prevent crime; the expansiveness of Public

Transportation and Infrastructure Commission  
Thursday, February 20<sup>th</sup>, 2025

Works' outreach for the public restrooms in the public right-of-way; sex trafficking takes place "inside," not on the street.

**8:41 pm:** Commissioners discussed revisiting the paving policy in relation to the new City Council and Measure FF; reviewing the Bike Plan update.

**8:44 pm Action:** It was Moved / Seconded (Zaro / Parolek) to extend the meeting to 9 pm.

**8:44 pm: Vote:**

Ayes: Hothi, Leung, Lutzker, Moss, Parolek, Scheider, Walton, Zaro

Noes: None

Abstain: None

Absent: None

Excused: None

Recused: None

**8:45 pm Motion passed 8-0-0-0-0**

**8:45 pm:** Commissioners continued discussing the Bike Plan update; adding Commissioner Scheider to the Bike Plan Ad Hoc Subcommittee; making Commissioner Walton the BART liaison.

8:54 pm: Two members of the public present.

**C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS**

None.

**D. COMMUNICATIONS**

**8:58 pm:** Commissioner Parolek reported that she went to the last Commission on Disability meeting.

**E. FUTURE AGENDA ITEMS**

**F. ADJOURNMENT**

**8:59 pm:** Chair Zaro adjourned the meeting.

*The next meeting of the Transportation and Infrastructure Commission is scheduled for Thursday, March 27<sup>th</sup>, 2025 at 6:15 pm, at the North Berkeley Senior Center, 1901 Hearst Ave, Berkeley, CA 94709.*

Transportation and Infrastructure Commission  
Thursday, February 20<sup>th</sup>, 2025

Administrative Procedures

From the City of Berkeley Commissioners' Manual, 2019 Edition, page 70 regarding minutes:

Although the Brown Act does not require minutes, except for closed sessions, the Commissioners' Manual does require minutes of commission meetings but not for subcommittee meetings. When required, minutes are limited to action minutes only. Minutes are unofficial until approved by the commission. The minutes are converted to PDF and posted on the City's website.

The secretary shall keep an accurate record of the commission's proceedings and transactions. The secretary shall provide action minutes similar to those provided to the Council by the City Clerk. Action minutes list the date, time, and place of the meetings; the staff in attendance; the commissioners present and absent; and a clear and concise description of final actions taken. Approved motions are indicated by "moved, seconded, and carried" and include a breakdown of the vote. The vote breakdown includes the commissioners voting yes, no, abstain, absent, recused, and reason for recusal. Reasons for making a motion, debate, content of public comments, and audience reaction are not to be included.

Commission Secretary: Wahid Amiri, Deputy Director  
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Commission  
on  
Disability

## CONSENT CALENDAR

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Kathi Pugh, Chairperson

Subject: **City Compliance with Web Content Accessibility Guidelines (WCAG)**

### RECOMMENDATION

The Berkeley City Council shall refer to the City Attorney the requirement to include a clause in all **relevant** City of Berkeley contracts that obligates City vendors to supply digital content, **intended for or likely to be posted to the City website, that is** compliant with the Web Content Accessibility Guidelines (WCAG) standard mandated by the U.S. Department of Justice. WCAG **defines** web content **technical** standards that, when implemented, meet **legal** requirements of the Americans with Disabilities Act (ADA).

In addition, relevant City staff should be informed of WCAG requirements, and systems put in place to ensure that documents **available on the City of Berkeley website, whether submitted by vendors or created by City staff**, meet **current** WCAG standards. When the City is informed that documents posted to its website do not meet **current** WCAG standards, remediation is recommended to be made within 30 days.

### FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is legally obligated to meet federally-mandated accessibility standards. This should be made explicit in boilerplate contract language that is readily available on legal websites to which the Office of the City Attorney has access. City staff time is needed **to select or craft a contract clause. Additionally, a system for reviewing compliance reports, and/or testing documents for compliance must be implemented in order to ensure that both vendor and staff-created documents available on the City website are WCAG compliant.** The City of Berkeley incurs the **significant** financial risk of legal action if it continues to fail to comply with existing, **legally-mandated** WCAG standards.

### CURRENT SITUATION AND ITS EFFECTS

Within the City of Berkeley, compliance with ADA regulations in the built environment (ramps, tactile curb cuts, minimum door widths, etc.) is expected and enforced in new construction. However, for disabled users of screen readers—people who are blind or low vision, **or who have limited dexterity**, reading or cognitive differences—obstacles in the newly constructed digital world are frequently encountered and access is routinely denied. Just as the City of Berkeley **enforces** vendor compliance with requirements of the ADA in the built environment, the same must be true for **both** City vendors **and City staff who** provide digital content for the City website, in City programs, and in City presentations. Yet it is not.

While the pages of the City of Berkeley website are largely WCAG compliant, **attachments, i.e., documents that can be directly** viewed and downloaded from the website, are often not compliant, *even though they are equally legally required to meet WCAG standards*. These are documents that, for example, provide essential safety information, explain City projects, request feedback from the public **or otherwise invite public participation**. **All users must have equal access to the information they contain.**

**The message that inaccessible documents sends to Berkeley residents who use screen readers is that their participation in the life of the City of Berkeley is neither valued nor desired.** Documents containing vital information must be made accessible to all users, **not only when brought to the attention of City staff**, but from their initial availability to the public. When users do encounter non-compliant, inaccessible documents, remediation must be taken seriously and made quickly.

The problem of digital inaccessibility is most acute when City vendors or City staff create image-rich documents. The majority of these files lack alternative text tags (alt text) that can be read by a screen reader. Without these descriptions—long descriptions when necessary—essential information for disabled Berkeley residents and visitors is simply unavailable. Meaningful alt text must be included on complex **documents, photos, and images**, including PDFs, maps, diagrams, and infographics.

Increasingly, Artificial Intelligence (AI) is being used to create meaningful, long descriptions of image-rich documents, lowering costs, increasing the quality of alt text, and significantly improving the experience for people using screen readers. The City of Berkeley should be at the forefront of WCAG implementation—yet we lag behind.

Other WCAG requirements address underlying document structure, tab order, and color contrast. The City's **webpages are** significantly in compliance with these standards, **but forms and other documents attached to it are not**. WCAG compliant attachments will result in a City website with content that is fully accessible and legally compliant.

## BACKGROUND

The City of Berkeley must comply with Title II of the ADA. This title requires that local governments ensure that all services, programs and activities are accessible to people with disabilities. The U.S. Department of Justice has **confirmed** that Title II applies to services, programs and activities provided via the web and mobile applications.

**A year ago**, specific technical standards were newly updated and clearly defined. On April 24, 2024, the final rule of the U.S. Department of Justice regarding specific standards to ensure web and mobile app accessibility—including access to all online sites, programs and digital documents retrieved through local governments—were published in the Federal Register. This rule updates requirements of Title II of the ADA, specifying compliance with WCAG 2.1 Level AA. The City of Berkeley has until April 24, 2026 to fully comply with the higher technical specifications, but the legal requirement that City websites, apps, digital programs and documents be accessible to the previous WCAG standard currently exists—and this continues to be frequently ignored.

The expectation of a fully accessible website also exists within the Berkeley Municipal Code on Technology Standards (2.06.170), which states that the City will “meet or exceed the guidelines for accessibility specified by the Federal General Services Administration pursuant to section 508 of the Rehabilitation Act.” Under Section 508, disabled employees and disabled users **must be afforded access to information that is comparable to the access available to others. This recommendation seeks to realize the mandate of the City’s own Municipal Code.**

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

### RATIONALE FOR RECOMMENDATION

This 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—in this case the infrastructure, amenities, and facilities are digital;
- create a resilient, safe, connected, and prepared city—with information available for disabled residents and visitors;
- champion and demonstrate social and racial equity—including the City’s disabled residents and visitors;
- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community—including disabled residents and visitors.

Berkeley, a birthplace of the movement for independent living and disability rights, must take a multi-pronged approach to WCAG compliance. The City would not construct or renovate a City building without complying with accessible guidelines for the built environment; we must be equally vigilant regarding accessible, digital construction and use of the City’s online environment.

Moving forward, inclusion of a contract clause requiring compliance with the current WCAG standard is one of several critical approaches that will result in an accessible and legally-compliant City website. **City staff must follow the same principle when creating documents available on the City website.** The goal of this recommendation is an accessible website that **equitably** serves all of its users.

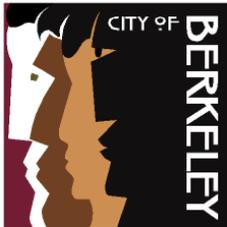
### ALTERNATIVE ACTIONS CONSIDERED

None, if the City fails to address on-going issues of non-compliance it is open to litigation that can force a more costly and time-consuming solution.

### CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission’s Report. [OR] Refer to the budget process.

CONTACT PERSON **Mina or Rena**



Commission  
on  
Disability

## CONSENT CALENDAR

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 1994. 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 adopted 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 the 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.

### 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 [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

CONTACT PERSON

Rena Fischer

April2025 - Log of Unresolved Access-related Complaints

Subject matter key:

1 = built environment (facilities and their adjacent paths of travel)

2 = built environment (pedestrian rights of way)

3 = digital content

4 = effective communications/signage

5 = programs, services, and activities

An asterisk in the Date Complaint Lodged column indicates that the complaint was a formal ADA Grievance.

Date Complaint Lodged	Lack of Access Pertaining To	Date the City deemed a solution was implemented	Nature of solution	Solution's level of compliance with law	Complainant's level of satisfaction with solution
6/8/23	3 – Concern that much more content (in addition to the Commissioners' Manual, which was non-compliant but which has been remediated) on City website could be out of compliance with WCAG.	6/14/23	On 6/14/23, the City's Digital Communications Coordinator wrote that all City-generated web content meets WCAG standards. Re content on the City's website generated by third parties (e.g., Granicus), the City will insist that this third parties ensure that their content meets	Assuming solution is implemented consistently on an ongoing basis, it is compliant. However, as of March2025, the website itself is not fully compliant and	Unknown (but likely not very satisfied).

			WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.	there are non-compliant PDFs uploaded to the website.	
8/28/23	1 – constituent complained that The Stegmann Trail at Cesar Chavez Park is too bumpy and out of compliance.	9/5/23	PRW staff informed complainant of existing plans to render the trail ADA compliant tentatively scheduled to commence in Sep2024.  Update: remediation has not begun as of Mar2025.	Site is not yet complaint but the solution, once implemented, will be compliant.	Likely unsatisfied.
12/1/23	1 - Complaint that STAIR Center was not ADA-compliant.	Not yet.	I explained the situation in much detail to complainant, acknowledging that the site was not compliant in 95 different ways. I explained that the issues would not be remediated until after the site's trailer-based structures were replaced with pallet-based structures, which was scheduled to happen in late FY2023-	No compliant solution yet implemented.	Unsatisfied.

			<p>24. This complainant was part of a coalition of advocates concerned about this particular site, and on 12/20 I spent two hours at CIL discussing the issues with the coalition.</p> <p>Update: the “late FY2023-24” ETA re replacing trailers with pallet-based structures has been abandoned, and the new ETA is: October - Jan 2025.</p> <p>Update: the new ETA is that work (which should take roughly four months) will begin in late May2025.</p>		
1/28/24	2 – complaint about non-compliant sidewalk near NE corner of MLK and Derby.	Not yet	Confirmed that this violation was already documented in database (it was)...asked Transpo/Engineering staff if this issue could be prioritized.	No compliant solution yet implemented.	Unsatisfied.
6/20/2024	3 – complaint that the City’s website does not comply with WCAG 2.0.	Not yet	The City will hire a Digital Communications Coordinator who will	Once implemented, the	Unsatisfied.

			ensure that the website is WCAG-compliant.	solution will be compliant.	
6/30/2024	2 – overgrown hedge on 1600 block of Acton Street is obstructing sidewalk.	Not yet.	PW staff referred the matter to Code Enforcement staff, who will inform property owner that hedges must be trimmed back.	Once the hedges have been trimmed to create at least 4' of unobstructed sidewalk, the site in question will be compliant.	Unknown.
8/2/2024	2 – Lack of curb ramps at Claremont Ave/Avalon Ave.	Not yet.	Curb ramps to be installed at Claremont/Avalon in Nov2024.	Not yet. 3 of the 4 curb ramps at this intersection have remediated and are now compliant. The fourth curb ramp at the site has not yet been remediated, and there is currently no ETA.	Unsatisfied.
8/22/24	2 – construction site on Shattuck between Francisco and Delaware violates PROWAG.	Not yet.	ADA staff has informed Transpo staff of what is needed to remediate this situation; Transpo staff is working with the contractor in question to implement an ADA-friendly design of an	Not yet.	Unsatisfied.

			alternate pedestrian pathway at the site.		
Multiple dates in Dec2024	2 – various complaints (lodged by a CBO proxy) on behalf of various constituents, some of them being specifically identified and others of them not being specifically identified, purporting programmatic non-compliance with the ADA regarding the manner by which the City strives to manage local encampments and the outreach services provided to such encampments.	Dec2024	Complainants informed that their grievances did not involve any violation of any federal or state laws pertaining to accessibility.	Compliant.	Unsatisfied.
1/17/25	2 – two curb ramps at Euclid and Crystal Way lack required detectable warning surfaces.	Not yet.	Detectable warning surfaces will be installed at these two curb ramps.	Once implemented, the solution will be compliant.	Unknown.
2/7/25*	5 – City allegedly failed to engage in the accommodations process required by ADA.	No comment as matter directly pertains to pending litigation.	No comment as matter directly pertains to pending litigation.	No comment as matter directly pertains to pending litigation.	No comment as matter directly pertains to pending litigation.
3/24/2025	2 – Alternate pedestrian access route on north side of Kittredge	Not yet.	PW staff will cause the relevant contractor to	Once implemented, the	Likely unsatisfied.

	between Shattuck and Harold not compliant with PROWAG.		make the site PROWAG-compliant.	solution will be compliant.	
4/1/2025	2 – sidewalk blockages by construction site at Center/Milvia do not feature properly placed and operational proximity-actuated audible signals as required by PROWAG.	Not yet.	PW staff will cause the relevant contractor to make the site PROWAG-compliant.	Once implemented, the solution will be compliant.	Likely unsatisfied.

The above list does not reflect accommodation requests that were promptly approved and met the requester's satisfaction.

**Communications from Public Members to CoD / April2025 Edition**

**Daveed Mandell**<daveedmandell@gmail.com>

To: Gregory, Thomas

Mon 3/10/2025 5:03 AM

Please add to the commission agenda when possible. Perhaps next month. Thank you.

Sent from my iPhone

Begin forwarded message:

**From:** Daveed Mandell <daveedmandell@gmail.com>

**Date:** March 10, 2025 at 4:42:05 AM PDT

**To:** Igor Tregub <ITregub@berkeleyca.gov>, Amy Johnson <AmJohnson@berkeleyca.gov>

**Subject: Berkeley lacks equitable transportation program**

Hello, councilmember Tregub:

While merry Tristan does respond to our concerns, her responses are unacceptable, because the program of transportation for people with disabilities and seniors is totally unacceptable. For one thing it is not equitable. For another, it does not allow many of us to actively participate in community affairs, both with in Berkeley and outside it.

I think the problem is the distribution of the money, rather than the lack of funds. I hope that the enclosed letter gives you an idea of what I envision, at least for me, as equitable transportation. This must be acted upon now, because the next four months allotment of taxi scrip and rideshare credits is being provided at the beginning of April.

Simply put, not being able to actively participate in community affairs, and depriving people with disabilities of the ability to travel wherever and whenever we wish is a violation of our civil and human rights. Berkeley claims to protect and uphold our civil rights, but unfortunately, this is not the case when it comes to the civil and human rights of people with disabilities and seniors. I hope this matter will be dealt with soon. I believe the city must hold a hearing on this issue ASAP!

Thank you, and all the best,

Daveed Mandell

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## *Berkeleyans for Accessible Rights-of-Way*

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March 15, 2025

Mayor Adena Ishii  
Members of the Berkeley City Council  
2180 Milvia Street  
Berkeley, CA 94704

*Via email*

Subject: Recommendations on Berkeley's Bike Plan Update

Dear Mayor and Members of the City Council:

Berkeleyans for Accessible Rights-of-Way (BAROW) is an affiliation of groups and individuals focused on advancing the rights and interests of the senior and disability community regarding Berkeley's rights-of-way (i.e., streets and sidewalks). We offer these comments on the Berkeley Bike Plan Update in the hope and expectation that Berkeley will plan its public rights-of-way, including addressing the needs of cyclists, with the goal of achieving an accessible environment for all.

In Berkeley today, about 7 percent of people under 65 have disabilities.<sup>1</sup> Older adults routinely face mobility, vision, and hearing disabilities due to age, and Berkeley's senior population is rising. By 2030, 20 percent of adults are expected to be over 65.<sup>2</sup> It is also worth noting that most people will be temporarily or permanently mobility-limited at some point(s) in their lives. For people with disabilities, a more accessible environment is a necessity, not a luxury. Additionally, safe streets and sidewalks are important for the community in general, as safe infrastructure allows all people to move around their community while also preventing injuries and disabilities that can be caused by poor pavement and access barriers.

Given our city's need to prevent injuries and accommodate those with disabilities now and into the future, it makes sense to plan for more accessible public infrastructure. Successful planning requires an inclusive process from conception to implementation. Berkeley is the

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<sup>1</sup> U.S. Census, 2024. See <https://www.census.gov/quickfacts/fact/table/berkeleycitycalifornia/PST045224>. Also see Draft City of Berkeley Community Action Plan, 2023 Appendix A. [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/DRAFT\\_2024\\_2025\\_Community%20Needs%20Assessment.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/DRAFT_2024_2025_Community%20Needs%20Assessment.pdf)

<sup>2</sup> Age-Friendly Berkeley Action Plan (2018). <https://berkeleyca.gov/sites/default/files/2022-01/Age-Friendly-Berkeley-Action-Plan.pdf>

birthplace of the independent living movement, where people with disabilities are not viewed as the problem. Rather, we recognize that Berkeley's physical environment creates barriers to independent living. It is truly sad to see how far Berkeley has moved away from this vision. Much of the disabled community is overlooked, excluded, and forgotten by the City. In fact, if not corrected, Berkeley seems destined to re-segregate people with different abilities back into their homes and constricted environments, unable to move around their community independently.

### **The Bike Plan Update Should Emerge from a Holistic Planning Effort Guided by Compliance with Americans with Disabilities Act (ADA) Requirements**

Berkeley should plan its rights-of-way (ROWs) holistically, balancing the needs of all ROW users in all parts of the city. The Bike Plan should be one product of such holistic planning. Instead, the updated bike plan appears to have been developed with a single-minded focus on cyclists' needs. Far from removing literal and figurative barriers to accessibility, the bike tracks would actually build new concrete barriers.

The City's February 18, 2025, virtual presentation hosted by the Center for Independent Living (CIL) showed that the updated plan was created with only cyclists and no others in mind. As one participant noted, in its presentation to CIL and some 50 attendees, the City never, not even once, mentioned how the needs of people with disabilities were addressed in developing the plan or how they would be addressed in implementing the plan.<sup>3</sup>

Outreach for the updated bike plan began in 2022, with 14 different events held,<sup>4</sup> but members of the disability community apparently were not briefed until February 2025,<sup>5</sup> just six months before the final plan is to be adopted. While the planners "talked to over 900 residents and collected over 1,300 comments about how we should prioritize projects into the future,"<sup>6</sup> the signers of this letter are unaware of any prior outreach to the senior and disability communities.

The City has a record of not sufficiently accommodating the needs of people with disabilities in designing its recently completed projects, including the Southside Complete Streets project, the Milvia Street Bikeway, and the planned Adeline Corridor modifications. The lack of outreach and proper planning for accessibility is reflected in several undesirable features of these projects, including but not limited to:

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<sup>3</sup> Since the CIL presentation where this fact was pointed out by a participant, the City's consultant has reached out to at least a few people in the disability community to obtain feedback regarding problems posed by cycle tracks. This outreach is appreciated but does not substitute for a holistic planning process.

<sup>4</sup> Berkeley Bike Plan Focused Update (<https://berkeleybikeplan.org/#/what-we-heard/>) accessed March 2, 2025.

<sup>5</sup> Presentations were made to the City's Commissions on Aging and Disability and to CIL in February and March 2025.

<sup>6</sup> <https://berkeleybikeplan.org/#/what-we-heard> (accessed March 2, 2025).

- highly variable street designs that are confusing even for people without disabilities and, for persons with vision disabilities, are not sufficiently marked with required detectable warnings and Audible Pedestrian Signals (APS) that can distinguish among the various traffic flows;
- the absence of mid-block curb ramps, which requires people with mobility disabilities to utilize bike lanes to reach a corner curb ramp;
- the lack of reflective marking on mid-street barriers;
- cycle tracks that are too narrow to safely accommodate e-trike and mobility scooter users;
- two-way cycle tracks with e-bikes and e-scooters traveling at high speeds, which pose safety hazards to all pedestrians, particularly mobility and visually impaired people who cannot react quickly enough to avoid possible collisions. Even one-way cycle tracks create hazards for people navigating from a parked vehicle alongside a cycle track across the active cycle track to get to the sidewalk. Accessible vehicles with side ramps will have no option but to open their ramp directly into the active cycle track to exit their vehicle.

These are just a few examples of access barriers that are not only a safety issue (e.g., could result in severe injury or death to pedestrians and cyclists), but they also represent non-compliance with the law.

Holistic planning is the right approach regardless of any legal requirements because everyone stands to benefit. That said, the ADA offers clear legal requirements for access for people with disabilities, and these legal mandates are not optional. While there are no ADA Guidelines pertaining to bicycle lanes, courts have been quick to rely on the regulatory requirements of the ADA when public rights-of-way (ROW) are altered, requiring “to the maximum extent feasible...that the altered portion of the facility is readily accessible to and usable by individuals with disabilities.”<sup>7</sup> Newly installed cycle tracks and the ROWs that they impact are considered alterations under the ADA.

While we understand the City is attempting to increase the share of bicycle commuters relative to other modalities,<sup>8</sup> a single-minded focus on bicyclists is inappropriate and does not reflect a holistic approach benefiting all Berkeleyans.

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<sup>7</sup> No ADA guidelines pertaining specifically to bike lanes have been promulgated. However, the ADA provides, at 28 C.F.R. § 35.151 (b), that: “Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.”

<sup>8</sup> About 31% of people commute by car, 16% by public transit, 14% by walking, and 5% by biking. See: U.S. Census, American Community Survey (ACS), 2023 5-Year Estimates, Commuting Characteristics by Sex.

In striking an appropriate balance when planning for the city's ROWs, the city should therefore consider the following:

- People with disabilities who have mobility limitations are often unable to walk more than a block or two from their destination, and some must be dropped off in front of their destination. Cycle tracks reduce the availability of vehicle parking, meaning those with mobility disabilities cannot walk to their destination. Cycle tracks can also create barriers that impede vehicle and wheelchair drop-off to homes, schools, shops, churches, community centers, entertainment venues, etc.<sup>9</sup>
- Most cyclists are sufficiently able-bodied that their cycling needs could be accommodated with a plan focusing primarily on bicycle boulevards, which do not impede access for any user group. Rather than accommodating cyclists with a door-to-door plan,<sup>10</sup> the City should consider whether a plan focused on improving the bicycle boulevard network can get cyclists within a reasonable walking distance of their destinations. Cyclists can park their bicycles (potentially in planned bike facilities on a bicycle boulevard) and walk to their destination on sidewalks, walk their bikes to their destination on sidewalks, or ride their bikes to their destination on a non-bicycle-boulevard street. (To the extent that Berkeleyans were surveyed for the update, the website report on the survey results suggests that improvements to the bicycle boulevard network, including improving safety at major intersections and improving pavement quality, would address the stated concerns.<sup>11</sup>)
- The negative impacts of bicycle infrastructure on Berkeley's disability population can be mitigated in project design (e.g., by providing curb ramps, additional pedestrian markings across cycle tracks, and sufficient disabled parking).<sup>12</sup>

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<https://data.census.gov/table?q=commute&g=160XX00US0606000>. Share by bicycle has declined from a 2014 peak of 8.5% to 6.2% in 2023 (also according to ACS data), despite a 22% increase in the student population over that time. See:

<https://www.universityofcalifornia.edu/about-us/information-center/historical-enrollment>

<sup>9</sup> For example, the drop-off zone at the ADA-compliant front entrance of the First Congregational Church of Berkeley, which frequently hosts concerts, speakers, and other public events in addition to church services, was eliminated when a cycle track was built on Dana Street as part of the Southside Complete Streets project.

<sup>10</sup> At the City's virtual presentation to CIL, the City's representative stated that barricaded cycle tracks were deemed necessary to enable cyclists to reach the door of their destination.

<sup>11</sup> The website states that "41% of comments expressed safety concerns about today's streets in Berkeley; 38% of comments focused on improving safety at major intersections; 30% of comments focused on improving the quality of bicycle network projects; and 10% of comments prioritized pavement quality and maintenance. <https://berkeleybikeplan.org/#/what-we-heard> (accessed March 7, 2025).

<sup>12</sup> For a discussion of these design strategies, see StreetsBlog SF, "Protected Bike Lanes, Seniors and the Disabled," (March 19, 2020). Available at:

<https://sf.streetsblog.org/2020/03/19/protected-bike-lanes-seniors-and-the-disabled>.

However, the city should retain an expert in the ADA and its architectural requirements to properly determine how the needs of people with all types of disabilities will be accommodated before deciding that a cycle track is feasible. Ultimately, accommodating all needs while retaining a cycle track may not be possible or desirable. For example:

- Cycle tracks generally require eliminating parking, which reduces available parking for people who can walk only limited distances. In addition, accessible parking must meet a ratio of total parking, which will further reduce parking for people who do not qualify for accessible parking but have mobility limitations.
- Cycle tracks may impede emergency access and evacuation. The evacuation study commissioned by the City will be released this spring, and its results should be a primary consideration in the draft plan.
- Widening the cycle track to accommodate tricycles may not be feasible in the available street space.
- Cycle tracks pose high risks to people with vision disabilities. Detectable warnings must be placed in appropriate places to alert people with vision disabilities before entering traffic. Also, Audible Pedestrian Signals must be set up to coordinate with bus, bike, and vehicular traffic.
- Cycle tracks with island bus stops are unsafe for visually impaired people.<sup>13</sup> The American Council of the Blind and others have called for new installations of floating bus stops to stop until more research is completed.<sup>14</sup>
- A cycle track, particularly a two-way cycle track, in front of a busy commercial area or community venue will increase hazards to pedestrians, particularly the vulnerable elderly population and people with mobility limitations. A drop-off zone at busy venues may not be feasible with a cycle track.

For all these reasons, the City needs to critically review whether bolstering the city's bicycle boulevard network, possibly with bike-parking facilities on those routes or elsewhere, would enable the most appropriate balancing of the needs of all street users. Moreover, the cost of completely mitigating the access and safety problems posed by cycle tracks, assuming complete mitigation is possible, raises the question of whether limited

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However, this resource does not address the need for visual, auditory, and tactile signals at intersections where bikes are crossing that inform pedestrians that bikes are approaching.

<sup>13</sup> The hazards posed by island bus stops are shown in this video from the City of Victoria in British Columbia, Canada: <https://www.youtube.com/watch?v=XJMol5KYaoE>.

<sup>14</sup> American Council of the Blind, comments to U.S. Department of Transportation regarding public right of way accessibility guidelines (PROWAG), September 23, 2024. [https://www.acb.org/sites/default/files/ACB\\_DOT%20PROWAG%20NPRM\\_comments.docx](https://www.acb.org/sites/default/files/ACB_DOT%20PROWAG%20NPRM_comments.docx)

public funds would be better spent on another approach, particularly given the dire condition of Berkeley's streets and sidewalks.<sup>15</sup>

Addressing ADA compliance as an afterthought could expose the City to costly legal challenges and potentially even costlier post-construction mitigation requirements. In 2020, a court held that the City of Los Angeles violated the ADA when it redesigned its streets to add protected bike lanes without considering accessibility.<sup>16</sup> The city had to pay attorneys' fees for both the individual suing Los Angeles and itself and remedy the inaccessibility with partial redesign of the cycle track. In 2022, several disability and other community groups sued the District of Columbia for its cycle tracks and the lack of accessibility that results for persons with disabilities. The case has been litigated fiercely now for two years and will likely go to trial. There are other settlements (not usually public) involving cycle tracks and accessibility where taxpayer money was used to build a cycle track that was ultimately agreed to cause inaccessibility, and then taxpayer money again had to be used to remove or remedy the cycle track. The city of Berkeley need not risk wasting taxpayer money on legal fees associated with litigating cycle tracks or removing/remediating the access barriers caused by cycle tracks.

### **The Bicycle Plan Update Needs to Meet the City's Complete Street Policy Study Requirements and State and Federal Safety Standards**

Apart from the two words "safety data" on the webpage on "Plan Recommendations,"<sup>17</sup> no information in the Bicycle Plan Update indicates that data has been collected on street, sidewalk, and bikeway usage and injuries (related and unrelated to vehicle traffic), as called for in the City's Complete Streets policy.<sup>18</sup> The City's policy requires collecting such data before implementing Complete Street projects. The City should study whether

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<sup>15</sup> Over 40% of Berkeley's streets are in poor to failed condition, according to the City (see <https://berkeleyca.gov/sites/default/files/documents/City%20of%20Berkeley%202022%20PMP%20Update%20PTAP%202023%20Final%20Report.pdf>), and the City's ADA violations database documents 111,000 ADA violations on our streets and sidewalks (statement of Thomas Gregory at February 19, 2025, Commission on Disability meeting). A July 2024 City assessment of Measure FF concludes that Measure FF's revenues will only bring average street conditions to a "fair" level by 2036. And Measure FF funds appear insufficient to correct ADA sidewalk violations by 2036 without property owner willingness (or City enforcement) and at least a 50% property owner contribution to repairs.

<sup>16</sup> [Sarfaty v. City of Los Angeles](#) (2019). For a discussion of this case, see ADA Update, "Bike Lanes Can Create Disability Barriers" (August 19, 2020). Available at: [https://ada-update.com/2020/08/19/bike-lanes-can-create-disability-barriers/#\\_ftn2](https://ada-update.com/2020/08/19/bike-lanes-can-create-disability-barriers/#_ftn2)

<sup>17</sup> Berkeley Bike Plan Focused Update (<https://berkeleybikeplan.org/#/recommendations>) accessed March 2, 2025.

<sup>18</sup> Berkeley's 2012 Complete Streets Policy. See <https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Complete%20Streets%20Policy.pdf> at PDF-p. 9.

improvements to bicycle routes made in recent years have improved safety for all users and increased bicycle ridership.

Cycle tracks have been largely designed for ambulatory individuals who use two-wheeled bikes. Only about 6 percent of Berkeley's population uses bikes for commuting,<sup>19</sup> about the same as people with disabilities, not to mention people with temporary mobility limitations and the senior population. In short, there is absolutely no reason why a small population of cyclists should determine the city's infrastructure, put seniors and the disabled at risk of injury, and restrict public rights of way.

The updated plan appears to be based primarily on unscientific public outreach efforts, which, as noted above, have only recently included organizations representing disabled and senior communities. Recent "pop-up" events have involved passersby who apply sticky notes and dots to various poster boards. The value of such efforts is questionable. Moreover, the updated plan's map of responses to outreach efforts suggests that residents in the eastern portions of the city were excluded from the outreach effort, given a lack of comments in these areas.<sup>20,21</sup>

As the City's Vision Zero Action Plan recommends,<sup>22</sup> injury data should include whether the parties involved are disabled. The Vision Zero Action Plan calls for "shifting away from state crash data and toward use of BPD police report data." However, not all injuries are reported to BPD or involve a traffic collision. Rather, many people are injured solo due to poor sidewalk conditions and new street designs where public reports are not taken. Therefore, special outreach to vulnerable communities and targeted data collection efforts are needed.

A holistic ROW planning effort should, in addition to striving to meet all ADA requirements, assess whether state and federal safety design standards are being met on Berkeley's streets and sidewalks and bicycle routes, such as Caltrans' Highway Design Manual design standards, Caltrans' Manual on Uniform Traffic Devices (MUTCD), and AASHTO's "Guide for the Development of Bicycle Facilities." Again, we see no evidence in the Bike Plan update that such review and planning have been or will be conducted.

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<sup>19</sup> See note 8 above.

<sup>20</sup> <https://berkeleybikeplan.org/#/what-we-heard/> (accessed March 9, 2025).

<sup>21</sup> The Claremont-Elmwood Neighborhood Association felt the need to conduct its own survey regarding the need for a cycle track on Claremont Avenue. The survey was sent to 1,400 people and obtained 130 responses that were overwhelmingly opposed to such a cycle track, in part due to impacts on emergency evacuation.

<sup>22</sup> The Vision Zero Action Plan calls on the City to, among other things, "perform a robust assessment of other key gaps in safety datasets as part of the first update to this plan; and elevate community voices to understand the perception of safety and personal security in our most vulnerable communities."

## Next Steps

As discussed above, it is essential to adopt a comprehensive approach to public rights of way and collect the necessary data before formulating plans to address the requirements of cyclists. By all indications, such planning has not occurred. Therefore, BAROW recommends that the City take a step back before issuing its Draft Bike Plan Update, currently scheduled for May, to enable such planning. The newly available funding from 2024 Measure FF could provide the necessary funds for such comprehensive planning.<sup>23</sup>

We would welcome the opportunity to share further details regarding our perspective on the needs of seniors and people with disabilities on Berkeley's public rights-of-way as relates to planning for cyclists' needs and desires.

Sincerely,

Michai Freeman  
Systems Change Advocate  
Center for Independent Living

Erik Knaresboro and Michaela Tsztoo  
Founders  
Streets of Equality

Helen Walsh  
Accessibility-Inclusion Advisor  
UCC Disaster Ministries  
-and-  
Vice-Chair  
Berkeley Disability Commission\*

Daveed Mandell  
Board Member  
California Council of the Blind\*

Mike Cole  
East Bay Center for The Blind\*

Carol Crooks  
Betsy Morris  
Co-conveners  
Gray Panthers of Berkeley and the East Bay

Rev. Kelly Colwell  
First Congregational Church of Berkeley

Bab Freiberg  
Executive Director  
Ashby Village

\*For identification purposes only

cc: Berkeley City Attorney Farimah Brown  
Christopher Kidd, Alta Planning + Design  
Commission on Aging  
Commission on Disability

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<sup>23</sup> Measure FF Sec. 7.11.010 states, "Proceeds of the tax may be used to pay or reimburse the City for actual, verifiable costs of City staff when they are performing work on, or necessary and incidental to, projects funded by the tax, or public input, oversight, and accountability elements required by this chapter.

INDIVIDUALS IN SUPPORT OF THE RECOMMENDATIONS  
OF BERKELEYANS FOR ACCESSIBLE PUBLIC RIGHTS-OF-WAY ON BIKE PLAN UPDATE  
*As of March 15, 2025*

Eileen	Adams
Lisa	Chow
Ron	Choy
Tony	Corman
Amber	Crowley
Kaleo	Crowley
Isabelle	Gaston
Norm	Gelbart
Andrea	Hosmer
Ellie	Jay
Mary-Lee	Kimber Smith
Kori	Kody
Marcy	McGaugh
Joel	Myerson
William	Popper
Peggy	Radel
Nancy	Rader
David	Shiver
Margot	Smith
Peter	Sussman