



Commission on Disability Meeting Agenda: July 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 may 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: May 14, 2025 and June 11, 2025 meetings*
6. Approval: Order of Agenda*

Discussion/Action Items (with City Staff)

7. Improving WCAG Compliance on the City of Berkeley Website: CoB Crystel Hadley, Digital Communications Coordinator; CoB Public Works Director Terrance Davis; CoB Public Works Deputy Director Wahid Amiri
8. Berkeley Rides for Seniors and the Disabled: Mary Triston, CoB Transportation Services Coordinator*

Discussion/Action Items (Commissioners)

9. Public Right-of-Way Accessibility Guidelines (PROWAG) CoD contract clause recommendation next steps
10. Active Icon recommendation next steps
11. Work Plan Updates and Developments
 - a. Review of priorities
 - b. Brainstorm next steps and timelines
 - c. Schedule of presentations to advance Work Plan priorities

Commissioner Reports/Announcements

Staff Updates

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](#)). Click the chevron (i.e., the blue V-shaped symbol) to the right of the monthly meeting date for a link to the agenda.

A link to the complete monthly agenda packet is available for public review by clicking the chevron (i.e., the blue V-shaped symbol) to the right of the monthly meeting date 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, 4th 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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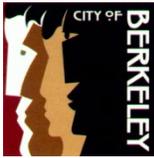
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at 1947 Center Street, 4th Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

Thomas Gregory
Public Works Department
(510) 981-6418
E-mail: tgregory@berkeleyca.gov

Mailing Address:

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



Commission on Disability DRAFT Minutes re May 14, 2025

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

Preliminary Matters

1. Call to Order by Chair Pugh at 5:04pm
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 Holloway, and Commissioner Nisen
 - Commissioner absent: Commissioner Mann
 - Commissioner on a Leave Of Absence: Commissioner Paz
 - Staff present: Thomas Gregory, Wahid Amiri (observing only), and Amy Johnson (observing only)
4. Public Comments

The public may 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: April 9, 2025 meeting*
 - “...to approve the minutes from the April 9th meeting.”
 - Moved by: Vice Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Abstain: Commissioner Nisen
 - Nays: none
 - Ayes: Commissioner Walsh, Vice Chair Fischer, Chair Pugh, Commissioner Sun, Commissioner Lewkowicz, and Commissioner Holloway.
 - The motion passes.
6. Approval: Order of Agenda*
 - “...to approve the agenda as drafted.”
 - Moved by: Vice Chair Fischer; seconded by: Commissioner Lewkowicz.
 - Ayes: unanimous.
 - The motion passes.

Presentations

7. Traffic and Parking Design by Larry Yee, Traffic Engineer, PWD Consultant*

Discussion/Action Items

8. Discussion/vote on edited Active Icon recommendation to Council*

“...to pass the recommendation regarding the Active Icon and authorize Chair/secretary to submit to Clerk as soon as possible.”

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

Ayes: unanimous

The motion passes.

9. Accessibility language prior to and needs at City meetings/events**

10. Recommendations for FF**

11. Work Plan Development

a. Working group

b. Ideas on format, next steps and timelines

c. Generate ideas on presentations to advance Work Plan priorities

This agenda item was skipped due to a shortage of time that was the result of technical difficulties that temporarily made it impossible for Commissioners to communicate effectively during this hybrid (i.e., in-person and Zoom) meeting.

Commissioner Reports/Announcements

Staff Updates

12. Log of Access Complaints*

13. Email and voicemail sent to the Commission

Adjournment at 7:13pm

Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission



Commission on Disability DRAFT Minutes re June 11, 2025

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

Preliminary Matters

1. Call to Order by Chair Pugh at 5:00pm
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 Paz, Commissioner Mann, Commissioner Holloway, and Commissioner Nisen.
 - Commissioners absent: none.
 - Staff present: Thomas Gregory, Guillermo Campos, Elliott Schwimmer (presenter).
 - Public members present: Nancy Rader, Kelly Hammergren, Erik Knaresboro, and Anonymous.
4. Public Comments
 - The public may 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: May 14, 2025 meeting.
 - The CoD did not believe that the draft minutes adequately represented discussion that took place at the May 14 meeting. No motion was made.
6. Approval: Order of Agenda
 - “...to approve the draft agenda, but with the removal of Item #10.”
 - Moved by: Chair Pugh; seconded by: Vice Chair Fischer.
 - Ayes (via roll call vote): unanimous.
 - Nays/abstentions: none. The motion passes.

Presentation

7. Telegraph Ave. Multimodal Street Redesign: Concepts Under Consideration with Elliot Schwimmer, Sr. Transportation Planner, Public Works Dept.

During and following the presentation, the following issues were raised: no data on solo accidents or on accidents specifically involving people with disabilities; safety concerns about floating bus islands and cycle tracks; the need to prioritize van-accessible blue zones on intersecting streets. Learn from past problems at Bancroft/Fulton and Milvia Street redesign.

Integrate FF safety funding to move beyond curb-to-curb limits on project and integrate Auditory Pedestrian Signals (APS) and tactile guidance for safety of blind/low vision pedestrians. Need to improve lighting. Commissioners urged the city to expand data collection and consider disability community safety more explicitly.

Discussion/Action Items

8. Minutes recording substantive aspects of agenda items

The “action minutes” format only captures attendance, agenda items, motions, votes, and voiced consensus — without summarizing the content of discussions. Other City commissions supply more information. Action-only minutes fail to inform the public of the CoD’s work and do not maintain a useful record of that work. Alternative suggestions included using AI transcription tools and having commissioners summarize discussions for inclusion in the minutes following the agenda item.

There was a consensus among Commissioners that, moving forward, if CoD feels that an agenda item warrants a description in the minutes (beyond what action minutes require) then CoD, during the meeting, will specify to the secretary the nature of the description desired re that agenda item.

9. Recommendations for FF

Additional time is needed to bring recommendations to the CoD.

10. Accessibility language prior to and needs at City meetings/events

This agenda item was removed by CoD vote...see Item #6, above.

11. Work Plan Updates and Developments

- a. Working Group
- b. Ideas on format, next steps and timeline

“...to allow for CoD’s Active Icon recommendation to be edited to include a total budget not to exceed \$25K and to include language supporting the increased budget, and justifying the stated amount of time needed to travel among ISAs to install Active Icon stickers on them.”

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

Ayes (via roll call vote): unanimous.

Nays/abstentions: none.

The motion passes.

- c. Generate ideas on presentations to advance Work Plan priorities

Commissioner Reports/Announcements

Staff Updates

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

Adjournment at 7:25pm.

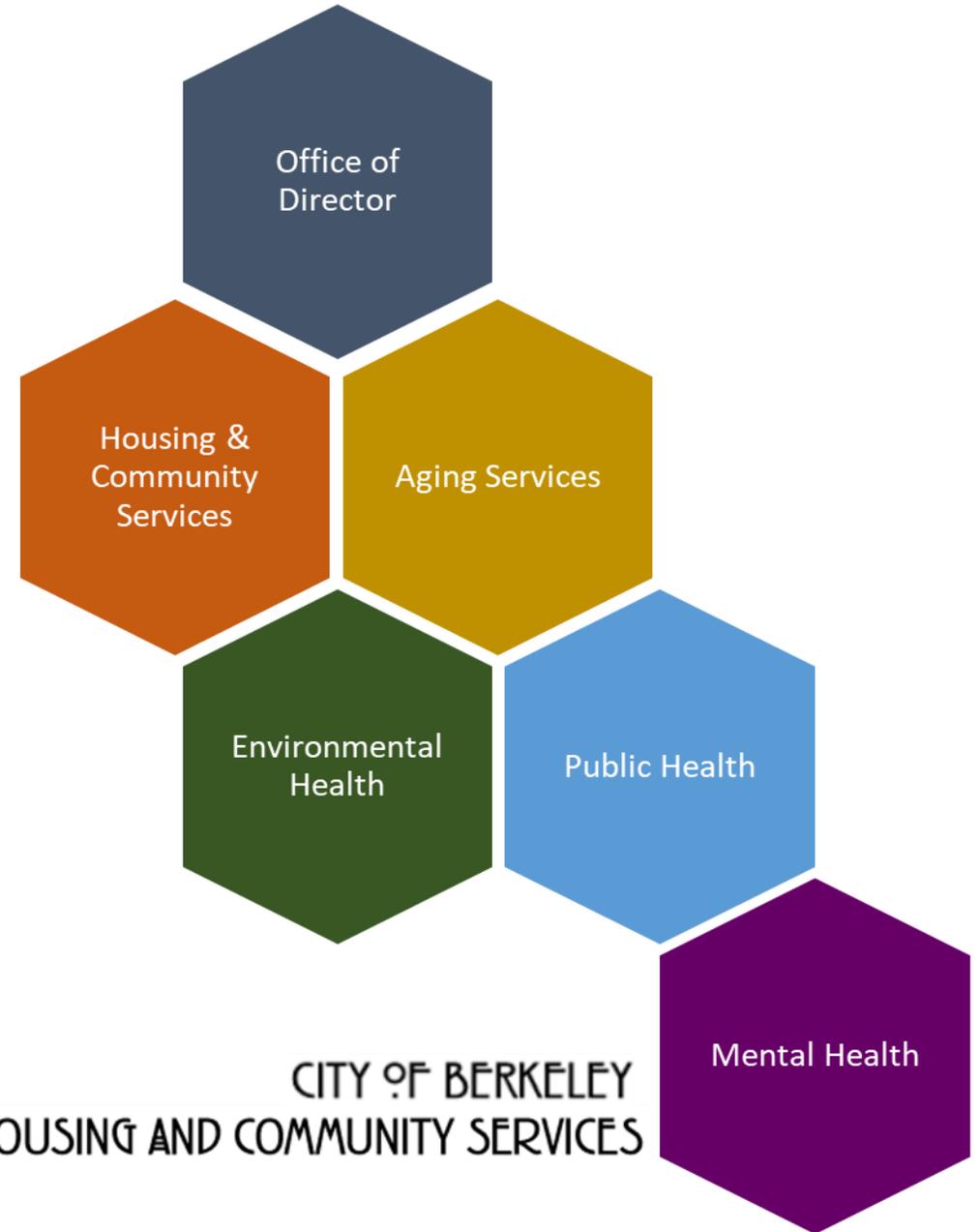
Minutes approved by CoD vote on: _____

Thomas Gregory, Secretary to Commission



City of Berkeley Department of Health, Housing, and Community Services

Enhancing Community Life and
Supporting Health and Wellness
for All



CITY OF BERKELEY
HEALTH, HOUSING AND COMMUNITY SERVICES

About Us

The Health, Housing, and Community Services (HHCS) Department aims to promote the health of all Berkeley residents by ensuring they have their basic needs met. Our vision is for all residents to have affordable housing, a safe community, and the best possible health outcomes. The department is made up of six divisions including the Office of the Director, Public Health, Mental Health, Housing and Community Services, Environmental Health, and Aging Services.



Aging Services



Berkeley Rides for Seniors & the Disabled





Demographics

City of Berkeley Total Population

Estimate: 124,321

- 16.9% are seniors (65+)
- 10.6% are people with disabilities
- 3.5% of seniors have a disability
- 8.1% of seniors have a household income less than 150% of the poverty level

Source: US Census, ACS 2023

FY2026 Program Benefits

BRSD currently provides 1,781 City of Berkeley senior and disabled residents with the following supplemental transportation programs:

- **Taxi Scrip Program:**
 - \$240 of free taxi scrip per year
- **Wheelchair Van Program:**
 - 32 free van vouchers per year
- **High Medical Need Program:**
 - \$480 of free taxi scrip per year
 - 32 free van vouchers per year



FY2026 Program Benefits (Cont.)

- **GoGo:**

\$200 per year of free Uber and/or Lyft rides

- **East Bay Paratransit Tickets:**

9 to 18 \$4 tickets per year

- **Travel Training:**

In collaboration with United Seniors of Oakland and Alameda County (USOA), BRSD hosts 4 trainings per year on how to effectively and safely use public transportation.

Highlights from FY2024



- **Program Updates:**
 Since July 2022, we have had a 54% increase in the number of enrolled riders.
 We provided 18,314 rides in FY 24. Since July 2022, we have had a 58% increase in number of rides.
- **Community Outreach:**
 We conducted in person outreach to local senior residences, local health centers, local community health fairs and festivals, and local disability services agencies.
- **Yearly Overall Rider Survey:**
 Very Satisfied: 58%
 Satisfied: 27%
 Somewhat satisfied: 8%
 Dissatisfied: 2%
 Left blank: 5%



Staffing Summary

Transportation Services Coordinator:

Plans, organizes and directs the administration and operation of BRSD.

Support Staff:

Operates Taxi scrip reimbursement window, customer service and program administration support.

Why It All Matters

“I really appreciate the service and I just want to tell you that I commend all of you who work in the program. Thank you so much. It's really made a difference in my life, thank you so much each and every one of you”

“I am 93 years old and gave up my car 2 years ago. I am so grateful for having the use of these services. So many thanks.”

“I feel unbelievably fortunate to live in the City of Berkeley and hope these programs will continue to exist for those of us who depend so heavily upon them. Thank you to all the kind and thoughtful City of Berkeley personnel involved in organizing and implementing these life saving programs on our behalf.”





Thank you!

Mary Triston
MTriston@Berkeleyca.gov



July2025 - 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 May2025, 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 May2025.	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.		
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.
3/24/2025	2 – Alternate pedestrian access route on north side of Kittredge between Shattuck and Harold not compliant with 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.
4/28/2025	3 – Request for Administrative Review form, posted to City website, does not have fillable fields and thus is presumably not WCAG compliant.	Not yet.	Remediate form for WCAG compliance, and then replace non-compliant version with remediated version.	Once implemented, the solution will be compliant.	Unknown.
5/2/2025	3 – Berkeley Rides for Seniors and the Disabled application form, posted to City website, does not have fillable fields and thus is presumably not WCAG compliant.	6/30/25	Remediate form for WCAG compliance, and then replace non-compliant version with remediated version.	Compliant.	Unknown.
6/3/2025	2 – PROW on west side of Shattuck between Ward and Derby not PROWAG-compliant.	6/5/25	No compliance issues.	Compliant	Unknown

6/4/2025*	5 – Staff allegedly engaged in disability-based discrimination.	Not yet	Staff will investigate grievance and will issue a written decision within 45 days of receiving grievance.	Once implemented, the solution will be compliant.	Unknown
6/18/2025	2 – accessible parking spot at Milvia/Derby not PROWAG-compliant.	Not yet	Staff are considering remedial options.	Not currently compliant with PROWAG.	Likely unsatisfied.

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

Berkeleyans for Accessible Rights-of-Way

July 2, 2025

Elliott Schwimmer
Senior Transportation Planner
Transportation Division, Dept. of Public Works
City of Berkeley
1947 Center St. 4th Floor
Berkeley, CA 94704

Via email to eschwimmer@berkeleyca.gov

Subject: Comments on Telegraph Multimodal Corridor Project

Dear Mr. Schwimmer:

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 communities regarding Berkeley's rights-of-way (i.e., streets and sidewalks). We offer these comments on the Telegraph Multimodal Corridor Project ("Telegraph Project") as presented to the City's Commission on Disability (COD) on June 11 and at the June 25 public workshop.

In March, BAROW submitted detailed comments on Berkeley's Draft Bike Plan Update (attached). These comments expressed concern that the City's transportation planning seems to place low priority on creating an accessible environment for Berkeley's large senior and disability communities, generally, and compliance with the Americans with Disabilities Act (ADA) specifically. These comments will explain how the Telegraph Project illustrates these concerns. We also recommend additional ways that the City could improve safety for all public rights-of-way users.

Holistic Planning. Berkeley should plan its public rights-of-way (ROW) holistically, balancing the needs of all ROW users. The Telegraph Project plan presentation states that the plan meets or exceeds blue-zone requirements, but this does not constitute sufficient consideration of the needs of people with disabilities. Unfortunately, like the draft Bike Plan Update, the draft plan for the Telegraph Project was developed with a primary focus on increasing options for cyclists, no matter the impact on the senior and disability communities, as was made clear at the COD meeting and public workshop. This is evidenced by Class IV Bike Lanes being included in all three concepts presented, with no concepts that do not include a Class IV Bike Lane.

A concept without a Class IV Bike Lane could improve the existing bicycle boulevards that parallel Telegraph on Hillegass, Dana, and Fulton, and east-west bicycle boulevards crossing Telegraph. Improving Berkeley's current bicycle boulevard network would be safer for cyclists and eliminate one of the many competing uses on the main thoroughfare. Accommodating buses, cyclists, pedestrians, cars, and delivery vehicles involves trade-offs among these uses and may compromise emergency response times. Cycle tracks introduce significant problems for those using wheelchairs, walkers, mobility scooters and other adaptive devices, not to mention baby carriages and strollers. The Telegraph Project has prioritized cyclists over other users despite the existence of safe alternative bicycle routes nearby that cyclists are free to use.

Prioritizing cyclist travel on Telegraph makes it more challenging to accommodate the needs of other users. A bus-only lane and sufficient loading zones may, for example, be more feasible without the cycle track. Moreover, adding separated bike lanes necessarily adds barriers to accessibility. For instance, as was stated by participants at the COD meeting:

- Wheelchair users in accessible vans must disembark in bike lanes, rather than onto the sidewalk. In addition to the bike collision hazard, disembarking into a bike lane entails a steeper dismount than disembarking onto the sidewalk.
- The plans confine loading zones to one side of the street, requiring people with disabilities to travel to the corner and cross the street to get to their medical offices, schools, restaurants, shops, or other public or commercial amenities on Telegraph.
- Transit islands that are necessary with bike lanes create serious hazards for people with disabilities who must cross the bike lane to reach their transit stop. These hazards are especially treacherous for those with visual impairments.

In addition to considering the needs of all users in its traffic planning, a more holistic approach to improving cyclist and pedestrian safety would extend to addressing sidewalk pavement hazards, lighting, detectable warnings, reflective features, and Audible Pedestrian Signals (APS). Full compliance with PROWAG should be included in every project budget.

Furthermore, the City should consider lowering speed limits and vigorously enforcing its traffic laws for all road users, including vehicles, cyclists, and scooter users, which would improve safety for everyone. Like San Francisco, Berkeley appears to have reduced its enforcement of traffic laws since implementing its Vision Zero plan.¹ A San Francisco Civil Grand Jury recently found that San Francisco is not meeting its Vision Zero goals and recommended more stringent traffic enforcement and a street safety education campaign

¹ The City's 2019 Vision Zero Action Plan (at p. 29) recommends "[f]ocus[ing] enforcement efforts on areas of Berkeley where engineering and education efforts have already been implemented."

for all road users.² As the report documents, increasing citations has been shown to decrease vehicle collisions, injuries, and fatalities.³

Data Collection and Lessons Learned. At the COD meeting, you indicated that “the jury is still out” on how the City’s various Complete Streets projects are performing but that the City is “learning a lot.” The City should pause and extensively evaluate these projects before building more. As one member of the public who is blind stated at the meeting, the street design at Bancroft and Fulton is “terrifying.” How have these projects affected people with disabilities? Have they increased or decreased use by different types of users? As the City did not collect baseline usage data before these projects were built, and since it lacks a system to report solo injuries, it is not possible to provide quantitative answers to these questions. The City should therefore conduct extensive outreach to each type of user group, establish an injury reporting system for solo injuries and accessibility issues,⁴ and collect baseline data before building more projects based on that model.

The City should also study a forthcoming UC Berkeley report that has reportedly found that the bus lanes installed on International Avenue in Oakland compounded pre-existing safety problems, increased injuries and deaths, and harmed local small businesses.⁵

Thank you for your attention to these concerns.

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 Member, Berkeley Disability Commission*

² See City and County of San Francisco 2024-25 Civil Grand Jury, "[Failed Vision: Revamping the Roadmap to Safer Streets](#)," (June 17, 2025).

³ *Ibid.*

⁴ The City’s 311 reporting system does not allow a person to report accessibility problems and related injuries.

⁵ *The Oaklandside*, “AC Transit’s BRT project increased traffic violence and displaced many businesses, new report says” (May 1, 2025). Available at: <https://oaklandside.org/2025/05/01/the-report-which-will-be-released-in-full-in-may-argues-that-the-project-was-undermined-by-a-lack-of-community-input/>.

Mike Cole
East Bay Center for The Blind

Carol Crooks
Co-convener
Gray Panthers of Berkeley and the East Bay*

Kathy Keller, Mental Health and Disabilities Lay Minister
First Congregational Church of Berkeley

Bab Freiberg
Executive Director
Ashby Village

Individuals

Lisa Chow
Joan Garvin
Mary-Lee Kimber-Smith
Peggy Radel
Nancy Rader
Margot Smith
Peter Sussman

*For identification purposes only

cc: Commission on Aging
Commission on Disability

Berkeleyans for Accessible Rights-of-Way

March 15, 2025 [*Updated April 23, 2025, to include additional signers*]

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.¹ 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 65.² 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

¹ 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

² 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.³

Outreach for the updated bike plan began in 2022, with 14 different events held,⁴ but members of the disability community apparently were not briefed until February 2025,⁵ 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,"⁶ 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:

³ 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.

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

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

⁶ <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.”⁷ 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,⁸ a single-minded focus on bicyclists is inappropriate and does not reflect a holistic approach benefiting all Berkeleyans.

⁷ 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.”

⁸ 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.⁹
- 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,¹⁰ 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.¹¹)
- 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).¹²

<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>

⁹ 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.

¹⁰ 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.

¹¹ 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).

¹² 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.¹³ The American Council of the Blind and others have called for new installations of floating bus stops to stop until more research is completed.¹⁴
- 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

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.

¹³ 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>.

¹⁴ 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

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

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.¹⁶ 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,"¹⁷ 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.¹⁸ The City's policy requires collecting such data before implementing Complete Street projects. The City should study whether

¹⁵ 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.

¹⁶ [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

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

¹⁸ 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,¹⁹ 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.^{20,21}

As the City's Vision Zero Action Plan recommends,²² 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.

¹⁹ See note 8 above.

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

²¹ 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.

²² 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.²³

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,

Dr. Vincent Pineda, Executive Director
Michai Freeman, Systems Change Advocate
Center for Independent Living

Mike Cole
Executive Director
East Bay Center for The Blind

Erik Knaresboro and Michaela Tsztoo
Founders
Streets of Equality

Eugene Turitz
Friends of Adeline

Helen Walsh
Accessibility-Inclusion Advisor
UCC Disaster Ministries
-and-
Member, Berkeley Disability Commission*

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

Daveed Mandell
Board Member
California Council of the Blind*

Rev. Kelly Colwell
Rev. Molly Baskette
Co-Senior Ministers
First Congregational Church Berkeley

Patricia Nash, President
Bayview Chapter
California Council of the Blind

Bab Freiberg
Executive Director
Ashby Village

*For identification purposes only

cc: Berkeley City Attorney Farimah Brown
Christopher Kidd, Alta Planning + Design

²³ 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.

Commission on Aging
Commission on Disability

INDIVIDUALS IN SUPPORT OF THE RECOMMENDATIONS
OF BERKELEYANS FOR ACCESSIBLE PUBLIC RIGHTS-OF-WAY ON BIKE PLAN UPDATE
As of April 23, 2025

Susan	Aberg	Howard	Hertz	Joel	Myerson
Eileen	Adams	Bill	Hickman	Doris	Nassiry
Camille	Antinori	Carol	Hirth	Nguyen	Nguyen
Joan	Barnett	Kris	Hodges	Jennifer	Nixon
Carmen	Baskette	Andrea	Hosmer	William	Popper
Alison	Beck	Paul	Huston	Gary	Pratt
Anna	Boersma	Susanne	Huttner	Patricia	Pratt
Lisa	Chow	Candace	Hyde-Wang	Peggy	Radel
Ron	Choy	Steve	Jackson	Nancy	Rader
Jim	Coates	Ellie	Jay	Matthew	Reed
David	Coolidge	Margaret	Kavanaugh-Lynch	Catherine	Ryan
Tony	Corman	Flora	Keilch	Gloria	Schild
Linda	Crebbin	Kathleen	Keller	David	Shiver
Amber	Crowley	Mary-Lee	Kimber Smith	Susan	Shome
Kaleo	Crowley	Kori	Kody	Margot	Smith
Gary	Dahl	Jean	Krois	Ben	Spielman
Effie	Dilworth	Eunice	Kwon	Laura	Spielman
Jeremy	Fish	Rev. August	LaPerche	Deborah	Streeter
Kirk	Foster	Jonell	Lucas	Janet	Stromberg
Eric	Friedman	Doris	Lynch	Peter	Sussman
Joan	Garvin	Julia	Madore	Rev. Hannah	Turner
Isabelle	Gaston	Joan	Martin	Martha	Vognar
Norm	Gelbart	Marcy	McGaugh	Charles	Webb
Diana	Graham	Kristina	McNaught	Mary Susan	Webb
Julia	Greer	Evan	Meyer	Cheryl	White
Louise	Halsey	Charles	Monroe	Rebecca	Wright
Kerrie	Hein	Laura	Monroe		