Berkeleyans for Accessible Rights-of-Way

February 6, 2025

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

Via email to council@berkeleyca.gov

Subject: Recommendations from the Disability and Senior Community for Implementing 2024 Measure FF

Dear Mayor and Members of the City Council:

As members or supporters of Berkeley's disability and senior community, we write to offer our recommendations for how Measure FF, passed by the voters last November, can be implemented such that the needs of people with disabilities on public rights-of-way are served. In Berkeley, 6.7% of people under 65 have disabilities. By 2030, 1 in 5 adults will be over 65 years of age and 37% of people over 75 experience ambulatory difficulty. This significant population faces heightened dangers every day simply navigating our sidewalks and street crossings.

The City's 2019 Vision Zero Action Plan, which Measure FF spending must be consistent with, recognizes that seniors and people with disabilities, among other groups, face a "disproportionate burden of traffic deaths and severe injuries."[1] It is important also to recognize that severe injuries and death can result solely from hazardous street and sidewalk conditions unrelated to traffic (affecting able-bodied people as well), and those hazardous conditions also impinge on the ability of mobility-impaired persons to simply get around town. Many such persons cannot drive cars and must walk, use wheelchairs or adaptive bicycles, or take public transportation.

Further, in late 2023, the Federal government adopted guidelines under the Americans with Disabilities Act (ADA), known as PROWAG, that require state and local governments to ensure that facilities used by pedestrians in the public right-of-way are readily accessible

[1] The Plan includes other groups that also face a disproportionate burden: people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, and seniors.

to and usable by pedestrians with disabilities.[2] Thus, by the terms of both Measure FF and federal guidelines, the City should take care to implement the measure to address the needs of people with disabilities.

We offer the following recommendations both to meet Vision Zero goals and to comply with the ADA:

1. Add a position to the city's ADA program staff to focus on bringing the City into compliance with the new federal ADA guidelines, PROWAG, including monitoring and enforcing the ADA obligations of the City's contractors. Private construction, especially large buildings, can block sidewalks and create hazards for people with disabilities. Proper signage and safe alternate passageways, as required under the new Federal rules, are often lacking. The position could be fully funded with Measure FF funds.
2. Prioritize Measure FF's goal of "eliminating" the backlog of damaged sidewalks "by 2036," and "ensur[ing] accessibility for all users." The most hazardous sidewalk conditions should be identified and repaired immediately, and all sidewalks should be made acceptable and safe – meeting all ADA requirements – within at least 12 years. The 15% of funds allocated for sidewalks and pedestrian paths should be used strictly for repair of damaged sidewalks and paths, and should add to, not replace, historical levels of funding except where other sources of funding (such as past measures) are expiring.

   The City should fully fund the 50/50 cost-sharing program to expedite clearance of the backlog of cost-sharing requests and to prevent future backlogs (as proposed by CM Humbert in 2023). In addition, the city should evaluate whether the 50/50 waitlist includes the most dangerous ADA violations and, if not, establish a means of prioritizing correction of these violations.[3]
3. Incorporate ADA-mandated curb ramps and other ADA Title II traffic safety measures (crosswalks, street furnishings, pedestrian signals, parking, and other parts of the public right-of-way) in all pedestrian and bicycle "Safety Improvement" projects and fund all such measures out of the "Safety Improvements" budget (which is twice as large as the allocation for sidewalk and pathway repairs).

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[2] Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), Appendix to Part 1190, R.204. See: https://www.ecfr.gov/current/title-36/chapter-XI/part-1190. Also See https://www.govinfo.gov/content/pkg/FR-2023-08-08/pdf/2023-16149.pdf and https://www.access-board.gov/prowag/.

[3] The City keeps a highly detailed ADA violations database describing each violation, e.g., the slope of broken sidewalks.

4. Ensure that bike lanes and cycle tracks are designed to be equitable and accessible and do not impose additional barriers for people with disabilities and promote transit access for all sectors and abilities, as required by law.[4]
5. Ensure that the three required Measure FF implementation workshops build in an inclusive community process to identify and mitigate disability street injustices and ensure that the disability community is represented on the new SAFE STREETS Citizen Oversight Committee (SSCOC) and/or by formally coordinating with the Commissions on Aging and Disabilities.
6. Collect data on street, sidewalk, and bikeway usage and injuries (related and unrelated to vehicle traffic), including data on whether parties involved are disabled as recommended in the Vision Zero Action Plan,[5] prior to implementing Complete Street projects, as required by the city's Complete Streets policy.[6] 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.

We would be happy to provide more detailed recommendations and would welcome the opportunity to meet with each of you and share our perspective on the needs of seniors and people with disabilities on Berkeley's public rights-of-way.

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*
*for identification purposes only

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[4] Federal law requires cities to consider accessibility when redesigning its streets to add protected bike lanes. *Sarfaty v. City of Los Angeles*, No. 2:17-CV-03594-SVW-KS, 2020 WL 4697906, at *5 (C.D. Cal. Aug. 12, 2020), as cited in ADA Update: https://ada-update.com/2020/08/19/bike-lanes-can-create-disability-barriers/#_ftn2.

[5] 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."

[6] Berkeley's 2012 Complete Streets Policy. See https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Complete%20Streets%20Policy.pdf at PDF-p. 9.

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

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

Rev. Hannah Turner
Minister for Youth, Young Adults, &
Emerging Ministries

Bab Freiberg
Executive Director
Ashby Village

cc: Commission on Aging
Commission on Disability

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OF BERKELEYANS FOR ACCESSIBLE PUBLIC RIGHTS-OF-WAY
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Leonard	Ash	Jun	Hu	Linda	Sawyer
Rick	Ayer	Margaret	Kavenaugh-Lynch	Susan	Shome
Birtukan	Beyenssa	Kathleen	Keller	Rebecca	Smith
Stanley	Boghosian	Katia	Kiefaber	Steven	Spielman
Jonathan	Bradshaw	Yuka	Kobayashi	Laura	Spielman
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Barbara	Hollinger	Althea	Rosales		