

## Commission on Disability Meeting Agenda: July 10, 2024 at 5pm

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

### Preliminary Matters

1. Call to Order by Chair Fischer
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: June 5, 2024 meeting\*
6. Approval: Order of Agenda\*

### Presentations

7. Discussion with Rex Brown, CoB DEI Officer: DEI and the Disability Community\*
8. Presentation by AC Transit Planner Crystal Wang on proposed Transit-Supportive Design Guidelines (TSDG), i.e. bus stop design and its “multimodal” integration with paratransit, sidewalk users, and bikeways\*

### Staff Updates

9. Log of Access Complaints\*
10. Email and voicemail sent to the Commission\*

### Commissioner Reports/Announcements

11. ADA at 34: Signed into law on July 26, 1990

### Discussion/Action Items

12. Active Accessibility Icon, draft referral to City Council\*
13. Web Content Accessibility Guidelines (WCAG) Contract Clause Inclusion, draft referral to City Council\*\*
14. Public Right of Way Accessibility Guidelines (PROWAG) Contract Clause Inclusion, draft referral to City Council\*\*
15. Feedback on Ohlone Greenway Signage\*\*
16. Local Hazard Mitigation Plan (LHMP) input due to CoB by July 31, 2024

### Projects (Proposed)

- a. Use of motorized scooters and bicycles on sidewalks (with CoAging?)
- b. Safer pathways map of Berkeley (with CoAging?)
- c. ADU Accessibility brochure
- d. Accessibility of speaker’s lectern
- e. Maudelle Shirek Building (Old City Hall) renovation letter

- \* **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**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

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:**

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

#### **Mailing Address:**

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



## Commission on Disability

DRAFT Minutes re June 5, 2024

### Preliminary Matters

1. Call to Order by Chair Fischer at 5:05pm
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 Sun, Commissioner Lewkowicz, Commissioner Paz, and Commissioner Marrerro.
  - Commissioners absent: none
  - Staff present: Thomas Gregory and Guillermo Campos
  - Public members present: none
4. Public Comments: none
5. Approval of draft minutes: May 8, 2024 meeting\*
  - “...to approve the minutes from last month.”
  - Moved by: Commissioner Lewkowicz; seconded by: Chair Fischer.
  - Ayes: Vice Chair Walsh, Chair Fischer, Commissioner Pugh, Commissioner Lewkowicz, and Commissioner Paz.
  - Nays: none.
  - Abstentions: Commissioner Sun and Commissioner Marrerro.
  - The motion passes.
6. Approval: Order of Agenda\*
  - “...to approve the draft agenda as submitted.”
  - Moved by: Chair Fischer; seconded by: Commissioner Lewkowicz.
  - Ayes: unanimous.
  - The motion passes.

### Staff Updates

7. Log of Access Complaints\*
8. Email and voicemail sent to the Commission\*

### Commissioner Reports/Announcements

9. Global Accessibility Awareness Day

There was consensus among Commissioners that (a) the inadequate wifi at the Commission’s May meeting at the North Berkeley Senior Center made it impossible to effectively communicate with Commissioners participating via Zoom and that (b) adequate wifi is essential in order to have a productive meeting with remote participants.

**Discussion/Action Items**

10. Framing the July discussion with Rex Brown, CoB DEI Officer\*

There was consensus among Commissioners that, following Rex Brown’s thoughts on the paragraph emailed to him regarding disability and DEI, the CoD should raise these questions:

- What is your experience with disability issues and how can this commission be a useful resource for you?
- What is the scope of your work? Are you responsible for promoting DEI among staff, within City programs and services for constituents, or in other ways?
- What resources (monetary or otherwise) do you bring to your work with the CoB?

11. Emergency Preparedness: New CoB draft plan (LHMP) being developed\*

There was consensus among Commissioners that those with input regarding the draft Local Hazard Mitigation Plan should send their input (in a Brown Act-compliant manner) to Commissioner Pugh in the coming weeks. Commissioner Pugh will collect the input and bring it to the July CoD meeting for review by the full Commission. Following the July meeting, and prior to the July 31 deadline, an email with CoD input to the LHMP draft will be sent to mitigation@berkeleyca.gov.

12. Work Plan Updates and Developments

- a. Contract clause on WCAG compliance\*\*
- b. Active Accessibility Icon\*\*
- c. Feedback on Ohlone Signage\*\*
- d. CoD webpage\*\*

**Adjournment** at 7:45pm.

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

\_\_\_\_\_

Thomas Gregory, Secretary to Commission

## **Framing the Conversation with Rex Brown, City of Berkeley DEI Officer**

**The Commission on Disability hopes that you could start with your thoughts about the following:**

As the Commission on Disability, we seek to include disability as an integral part of the DEI conversation — rather than an afterthought. Within the City, we want to get ahead of the issue of disability inclusion and not always play catch up. Disability does not discriminate. Every race, ethnicity, gender, sexuality, and culture include people with disabilities. We are everywhere. Yet too often, disability is excluded from conversations about diversity, equity and inclusion. We look forward to hearing from you on this important subject.

### **Other questions from the Commission:**

What is your experience with disability issues and how can the Commission on Disability be a resource for you?

What is the scope of your work? Are you responsible for promoting DEI among staff, within City programs and services for constituents, or in other ways?

What resources (monetary or otherwise) do you bring to your work with the City of Berkeley?

# TRANSIT-SUPPORTIVE DESIGN GUIDELINES (TSDG)

Berkeley Commission on Disability  
July 10, 2024

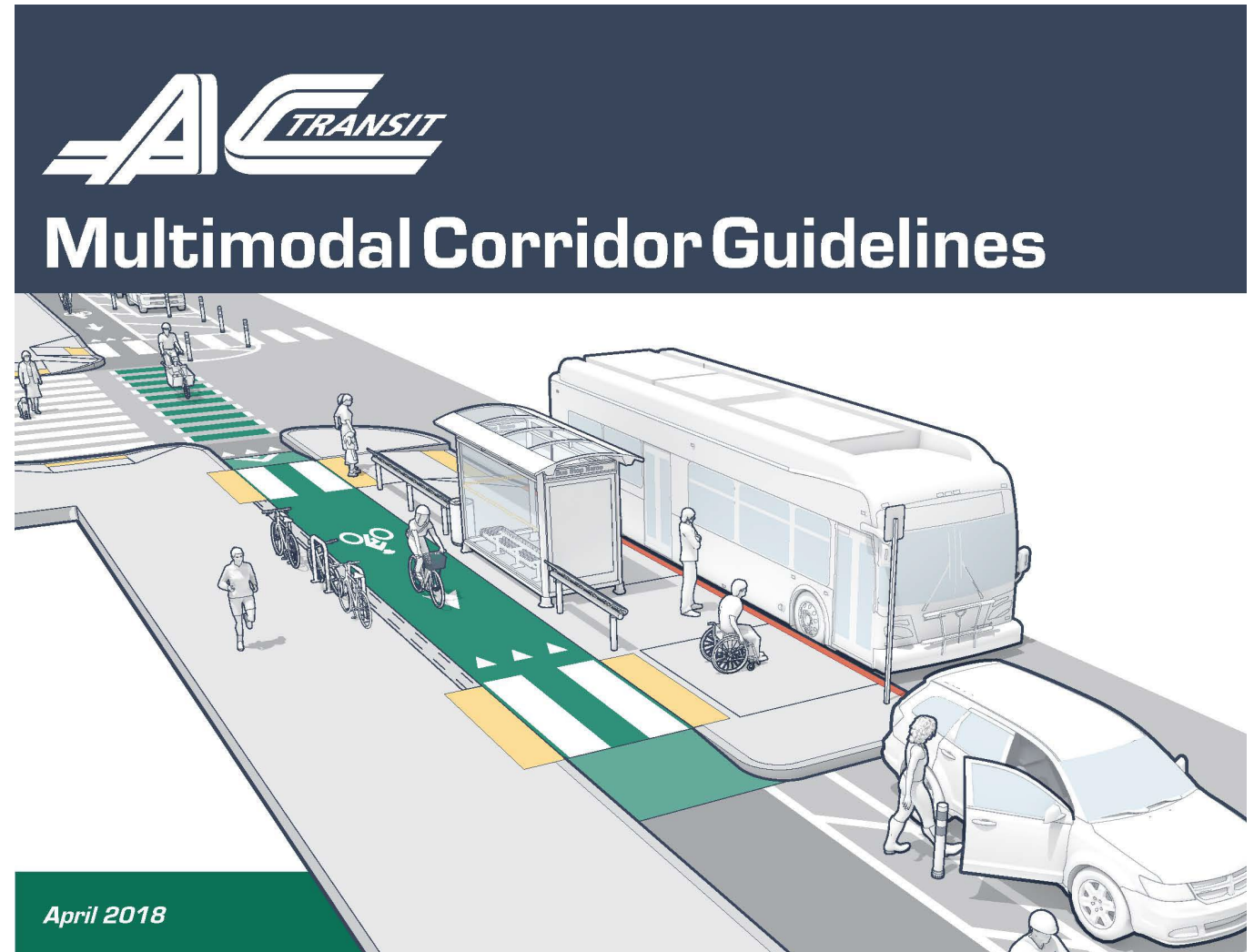


# PROJECT OVERVIEW



The 2018 AC Transit Board-approved Multimodal Corridor Guidelines provided design recommendations for bicycle facilities at bus stops.

The current Transit-Supportive Design Guidelines (TSDG) effort is an update to address considerations for paratransit operations and other design features that promote safe and efficient transit service.



# IMPACT ON PERSONS WITH DISABILITIES



- People of all ages and abilities use transit (AC Transit, East Bay Paratransit, other transit services).
- The Guidelines address bus stop design and universal design features that are intended to enhance safety and comfort for people accessing and waiting at bus stops.
- For this effort, AC Transit staff is requesting the Commission's input on the high-level bus stop design recommendations, as well as any comments on people's current experiences accessing and waiting at bus stops.

# CH <sup>9</sup> 1: GUIDE OVERVIEW



- Intent of the guidelines
- Goals of the guidelines
  - Facilitate high-quality transit and paratransit service
  - Serve as AC Transit's official resource for planning and designing bus stops
  - Serve as a resource for developers and local agencies
- Guiding principles
- How to use the guidelines document



- Includes a selection of resources to reference in conjunction with the Guidelines, such as:
  - AC Transit Bus Stop Guidelines
  - AC Transit Bus Stop Furniture Guidelines
  - NACTO Transit Street Design Guide
  - NSDTC Toolkit for the Assessment of Bus Stop Accessibility and Safety

# CH 3: CORRIDOR-WIDE CONSIDERATIONS



- AC Transit vehicle dimensions and transit service types
- Preferred lane widths
- Turning transit vehicle assumptions
- Vertical deflection elements on roadways
- Paratransit operations
  - East Bay Paratransit (EBP) vans can stop at: bus stop/paratransit combo stops, paratransit only stops, loading zones, off-street lots with dedicated spaces, bike lanes when accessing a curb space, drive-through driveways
  - EBP vans cannot stop at: driveways (vans are not permitted to back out), red curbs (including bus stops)

# CH 4: BUS STOP SITING



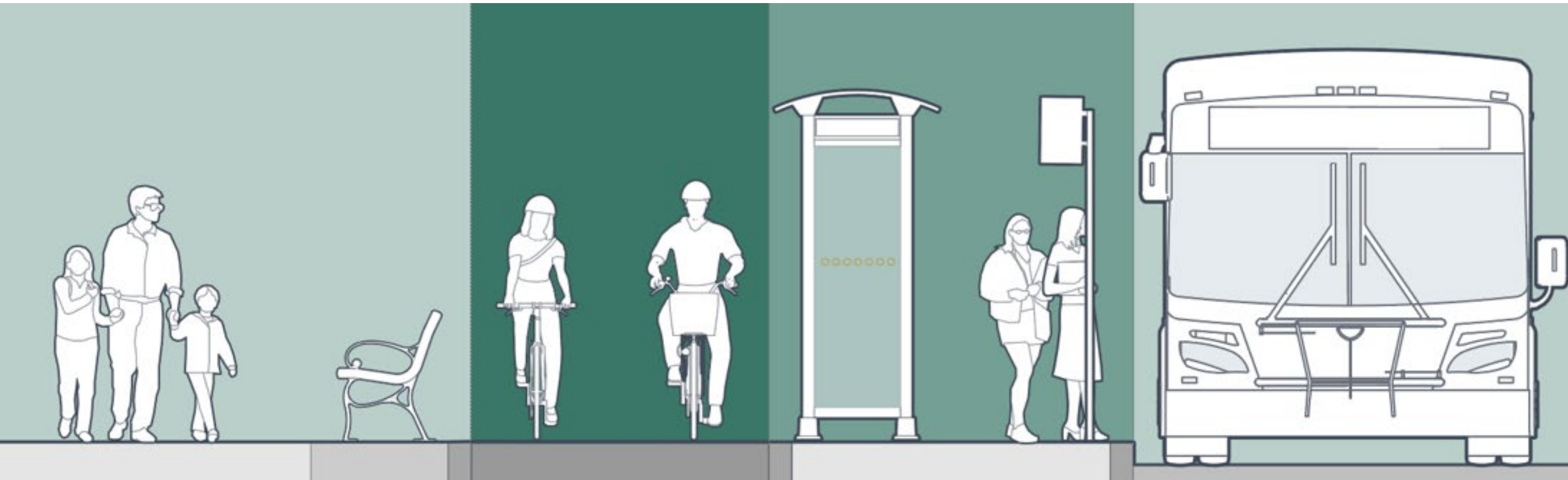
- Bus stop spacing
- Land use
- Connections between bus routes
- Transit centers
- Bus layover spaces and operator relief points
- Bus stop placement relative to intersections and roundabouts



# CH 5: BUS STOP DESIGN



- Universal access
- Bus stop length
- Paratransit
- Bus stop amenities



# CH 6: BUS STOP DESIGN TYPOLOGY



- Conventional bus stop with no bikeway present
- Class II bikeway bus stop
- Floating bus stop with sidewalk-grade bikeway
- Floating bus stop with roadway-grade bikeway
- Class I bike path bus stop (shared-use path)
- Constrained step-out

# CH 6: BUS STOP DESIGN TYPOLOGY



Conventional  
bus stop with  
no bikeway  
present

# CH 6: BUS STOP DESIGN TYPOLOGY



Class II bikeway  
bus stop

# CH 6: BUS STOP DESIGN TYPOLOGY



Floating bus stop with sidewalk-grade bikeway

# CH 6: BUS STOP DESIGN TYPOLOGY



Floating bus stop with roadway-grade bikeway

# CH 6: BUS STOP DESIGN TYPOLOGY



Class II bike path bus stop (shared-use path)

# CH 6: BUS STOP DESIGN TYPOLOGY



Constrained  
step-out  
bus stop

# CH 7: BUS STOP DESIGN TYPE SELECTION



- Guidance on how to navigate the bus stop typologies
- Considerations for selecting a bus stop type on:
  - High speed roadways
  - Bus routes with frequent service
  - Constrained ROW

# CH 8: MAINTENANCE CONSIDERATIONS



- AC Transit responsibilities
  - Installing and maintaining the bus stop flag (sign) and pole
  - Other responsibilities (such as bus shelter maintenance) may apply depending on terms defined in a maintenance agreement with a local jurisdiction
- Local jurisdiction responsibilities
  - Sidewalk and street maintenance (including lighting and bus pads)
  - Red curb maintenance
  - Jurisdiction-owned trash can maintenance
  - Tree trimming and landscaping

# DISCUSSION



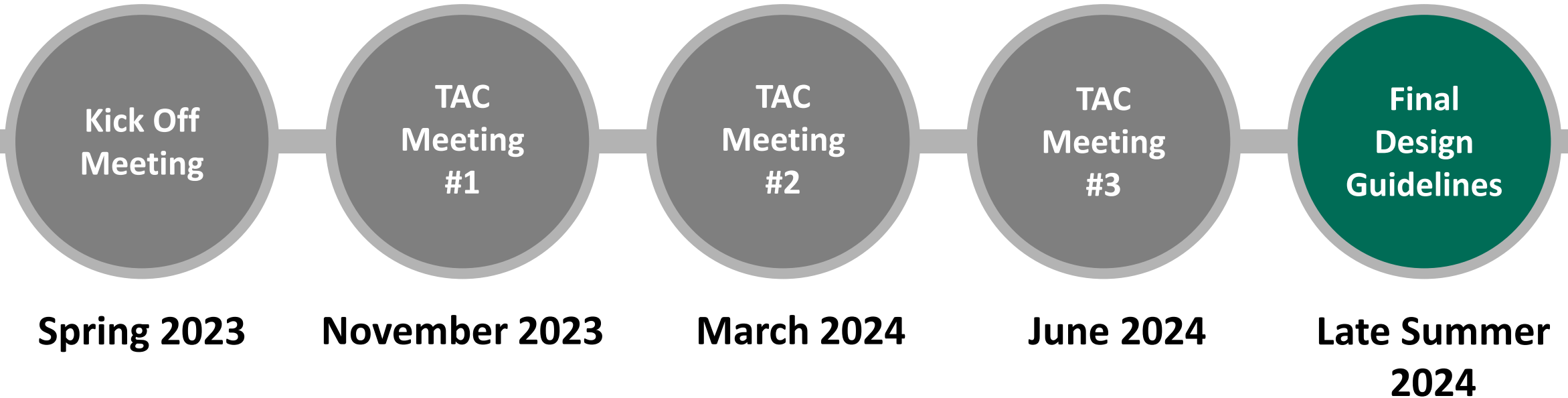
- Feedback on the bus stop design typologies
- Comments on current experiences with bus/bike interactions
- Comments on current experiences with accessing and waiting at bus stops

# OUTREACH



- In-reach with AC Transit staff
- AC Transit Board, General Manager's Access Committee (GMAC)
- Presentations at Interagency Liaison Committees (ILCs)
- Presentations to Transportation Commissions
- Presentations to Bicycle/Pedestrian Advisory Committees
- Presentations to Commissions on Persons with Disabilities and Commissions on Aging

# PROJECT TIMELINE





# Thank you!

## STAFF CONTACT

**Crystal Wang**

*Transportation Planner*

(510) 891-4735

[cwang@actransit.org](mailto:cwang@actransit.org)

2024 Log of Access-related Complaints Received by CoB (including unresolved complaints received in 2023)

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

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
5/12/23	5 – letter to City Attorney and City Clerk, that City must change accommodations for disabled Commissioners that require publicly posting addresses and opening homes to public; based on the legal opinion of the SF City Attorney that the Brown Act must defer to the ADA, Title II	7/7/23 (or sooner)	N/A as City did not see a need for any solution other than providing reasonable accommodations as needed.	Litigation pending	Unsatisfied

6/8/23	3 – Commissioners' Manual not fully accessible via screen reader.	not yet	On 6/13/23, the City Clerk wrote: "My office will plan to create a version of the Manual that blacks out the text entirely and works with screen readers."  ETA: 2024.	Once implemented, solution will be compliant.	Yet to be satisfied.
6/8/23	3 – same as above, but with additional concern that much more content on City website could be out of compliance with WCAG.	6/14/23	On 6/14, 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 WCAG, and specific City staff are responsible for ensuring that these third parties cure any identified instances of non-compliance.	Assuming solution is implemented consistently on an ongoing basis, it is compliant.	Unknown (but likely not very satisfied).
6/16/23	5 – grievance that following Brown Act would defeat the purpose of one's accommodation	7/3/23	For the City to waive Brown Act requirements, an accommodation dependent upon the submission of medical	Litigation pending.	Unsatisfied.

	to teleconference into Commission meetings.		documentation was offered to complainant.		
6/23/23	5 – letter from attorney saying that the City has imposed unsafe conditions on accommodations for disabled Commissioners and must allow Brown Act obligations to yield to ADA obligations when the two statutes appear to conflict.	7/7/23	City Attorney’s office responded to complainant with letter stating that the City is following the law as the law is understood by the City.	Litigation pending.	Unsatisfied.
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.	Not yet applicable, but solution, once implemented, will be compliant.	Satisfied (with tentative timeline, that is...the actual remediation has yet to happen)
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>		
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.
3/13/24	4 and 5 – complaint that City is not promptly providing a commissioner with the brailled materials they need to effectively serve as a commissioner.	Not yet.	HHCS dept will secure the funding and establish the purchase order needed for the ongoing service of translating the commission’s monthly agenda packets into braille...the relevant secretary and	Not yet compliant...once implemented, the solution will be compliant.	Unsatisfied.  (Note: the complainant is not the individual who needs the braille.)

			chairperson will strive to finalize agenda packets early enough to account for braille translation turn-around times.		
4/18/24 (with follow-up complaints regarding the same intersection sent on 4/23, 4/26, and 4/27)	2 – construction work at/near Bancroft and Fulton is not being done in a compliant manner.	Not yet.	City staff have informed the contractor of what the PROWAG violations are and what the solutions are. As of 5/14, the contractor had not yet implemented the solutions.	Not compliant as of 5/14/24...once solutions are implemented, they will be compliant.	Unsatisfied (as no solution has yet been implemented)
5/3/24	4 and 5 – document posted to City website not screen readable and WCAG-compliant.	Not yet.	Staff expressed apology and expectation that the City will have WCAG-remediation capacity in FY25...offered to read entire document to constituent at a time convenient to him.	Not compliant.	Unsatisfied.
5/31/24	5 – flyer promoting a City-sponsored 6/3 event did not feature language informing reader that ADA-required reasonable accommodations are available upon request.	6/4/24	Staff explained that individual event flyers, unlike the City's website, are not required to feature language about the availability of accommodations. The flyer in question featured contact info for two City staff members and an	Compliant.	Unknown.

			invitation to contact them with any/all inquiries, and this info provided a direct avenue by which a request for accommodation could be submitted.		
6/14/24	2 – audio recordings of Accessible Pedestrian Signals (APS) at the Adeline/Ashby intersection are erroneous and thus non-compliant.	6/19/24	Public Works Dept’s Electrical Supervisor will re-program audio signals if needed.	Compliant. (No solution was needed as complaint was unfounded.)	Unknown.
6/19/2024	1 – there’s a single portapotty at Kenney Park, but it’s not an ADA-compliant model.	6/26/24	Compliant unit installed at site.	Compliant.	Unsatisfied.
6/20/2024	3 – complaint that the City’s website does not comply with WCAG 2.0.	Not yet (assuming that the website does not comply with WCAG 2.0)	The City will hire a Digital Communications Coordinator asap who will ensure that the website is WCAG-compliant asap.	Once implemented, the solution will be compliant.	Unsatisfied.
6/24/2024	1 – there’s a single portapotty at Kenney Park, but it’s not an ADA-compliant model. [Different complainant than re identical 6/19 complaint, supra.]	6/26/24	Compliant unit installed at site.	Compliant.	Unknown.

6/24/2024	1 – there's a single portapotty at Kenney Park, but it's not an ADA-compliant model. [Different complainant than re identical 6/19 complaint and identical 6/24 complaint, supra.]	6/26/24	Compliant unit installed at site.	Compliant.	Satisfied.
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.

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



Consent Calendar  
[Meeting Date]

To: Honorable Mayor and Members of the Berkeley City Council

From: Commission on Disability

Submitted by: Rena Fischer, Chairperson

Subject: Recommendation to Adopt the Active Accessible Icon



### RECOMMENDATION

Adopt a resolution to replace the static International Symbol of Accessibility (ISA) by adopting and transitioning to use of the Active Accessible Icon (AAI) on parking, architectural, and other accessibility signage throughout the City of Berkeley.

### FISCAL IMPACTS OF RECOMMENDATION

Adoption of the AAI can be phased in by covering ISA icons on CA R99/R99C (blue parking signs) with AAI stickers.

Cost of engineer-grade stickers (rated 5-7 year outdoor use) for City commercial districts and City garages: \$3000 (300 x \$10/piece).

Same sticker for private parking lots, garages (hospitals, supermarkets, etc.): \$2000.

Same sticker for 85 permitted residential signs (by request): \$850.

Total cost of 585 engineer-grade, reflective stickers: \$5850.

With new sign installations, when damaged R99/R99C are replaced, or if a new sign is needed in coordination with AB413 (intersection daylighting), signs with the Active Icon can be used. There is no fiscal impact as these signs are available for comparable cost.

Additional staff costs within the City's Public Works Department will be incurred. Based on the experience of other Departments of Public Works approximately 45 staff hours are needed to affix stickers to City signs. Again, this process can be phased in.

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## CURRENT SITUATION AND ITS EFFECTS

Adoption of the Active Accessible Icon is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

The static ISA currently in use, designed in the 1960s, has served an important purpose. However, it reflects an antiquated understanding of disability—and misunderstands the importance of symbolic language. The ISA, and the stick figure it uses, perpetuates harmful stereotypes and fails to accurately represent the active lives and experiences of people with disabilities. The ISA figure is passive, static and stationary; it reinforces stereotypes of inactivity and dependency.

In addition, the ISA is criticized for perpetuating the medical model of disability, which views disability as a personal limitation or deficiency, one that needs to be "fixed." It is a stigmatizing and outdated model—as is the icon.

## RATIONALE FOR RECOMMENDATION

From passive and inactive to dynamic and full of life, the Active Accessibility Icon is a more progressive and inclusive representation of disability. It depicts a dynamic figure, symbolizing movement, energy and independence. It represents people with disabilities as actively engaged in life—not passive and stationary. We are not stick figures, but actively move our own lives forward. Promoting a positive image of people with disabilities, the Active Icon challenges stereotypes. It acknowledges our active participation in our own lives and within society broadly.

The Active Icon is gaining traction both within the United States and internationally. Initially designed in 2010 as activist street art in Boston, the Active Icon has been legislatively adopted statewide in New York (2014), Connecticut (2017) and Michigan (2022). It is in use at the U.S. Department of the Treasury. While the ADA stipulates use of the ISA, there has been no objection by the Department of Justice to use of the new icon in any location. In addition, according to the U.S. Access Board, "A symbol other than the ISA will not comply with the ADA Standards *unless it satisfies the 'equivalent facilitation' provision* (§103). This provision allows alternatives to prescribed requirements if they result in 'substantially equivalent' or greater accessibility and usability." (<https://www.access-board.gov/ada/guides/guidance-on-the-isa/>)

The Active Icon is increasingly used globally. In 2024, it was adopted for use on the European Parking Card for Persons with Disabilities. It has been used, though not officially adopted, in India. It is easily understood across different cultures and languages, promoting universal understanding and accessibility.

The Commission on Disability acknowledges that this proposed change—the use of a symbol of a person pushing their own wheelchair—represents a minority of people with mobility disabilities, and a far greater minority of all disabled people. It focuses solely on mobility and does not encompass the diversity of disabilities, including cognitive, sensory, and invisible disabilities.

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In response to this important issue, the creators of the icon have stated, “The arm pushing a chair is symbolic—as all icons are symbols, not literal representations. Our symbol speaks to the general primacy of personhood.” Berkeley’s Commission on Disability agrees and believes that the change is warranted—indeed essential.

**TRANSITION PLAN:** We propose an initial transition using commercial grade, reflective stickers to cover existing R99/R99C parking signs in Berkeley’s Commercial Districts and City parking garages. These, approximately 300 parking spots, represent the vast majority of accessible parking on public streets.

We also propose offering these uniform, high-quality, City-supplied stickers to private lots and parking garages, for example those at supermarkets and hospitals— and encouraging their use throughout the City. City-supplied stickers ensures a uniform design, engineer-grade, long-lasting sticker. It will result in wider adoption and less confusion as the the City of Berkeley transitions to use of the Active Icon design.

The Active Icon is consistent with the modern disability rights movement. It aligns with principles that emphasize empowerment, inclusion, independence, and equal opportunity. The proposed symbol promotes positive attitudes. It can significantly help shift societal attitudes.

#### ALTERNATIVE ACTIONS CONSIDERED

The Commission on Disability considered recommending that the icon be adopted in a wholesale manner, replacing all existing signage, but believes that the material and staff costs are prohibitive.