



Commission on Disability AGENDA

Regular Meeting

**North Berkeley Senior Center
Workshop B
1901 Hearst Ave. (at MLK)
Berkeley, CA 94709**

**Wednesday
January 20, 2016
6:30 PM**

The Commission may take a break at approximately 8:30 pm.

A. PRELIMINARY BUSINESS

- 1) Call to Order by Chair Weiss
- 2) Roll Call by Secretary
- 3) Public Comment on items not on the Agenda
- 4) Approval of Draft Action Minutes of **November 18, 2015***
- 5) Approval and Order of Agenda
- 6) Update by Administration/Staff
- 7) Announcements

B. DISCUSSION/ACTION ITEMS

* Written material included in packet

** Written material to be delivered at meeting

*** Written material previously mailed

The public may speak at the beginning of any item.

- 1. Recognition of Don L. Brown*** : Adopt Language to forward to City Council
Commissioner Weiss and Walsh.
- 2. Easy Does It Emergency Services**
Quarterly Update
Speaker: April Wick, Executive Director.
- 3. Universal Design:** Continue Discussion: Develop and adopt short and long term
COD goals for future recommendation to Council.
Commissioner Weiss.
Speaker Invited
- 4. Service Animals Welcome:** Provision of Educational Material per Resolution
65,751.
 - a. Annual Business License Renewals
 - b. City of Berkeley WebsiteStatus update and possible action.
Staff (Rejwan)

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

Information items can be moved to Discussion or Action by majority vote.

- 1) Impacts of Bicyclists and Bicycle Traffic on Vulnerable Pedestrian Populations Status Update.
Commissioner Weiss.
- 2) Berkeley Research Collaborative. Status Update.
Commissioner Weiss.
- 3) Legislative Update
Commissioner Weiss
- 4) **Subcommittee Reports:**
Convention on the Rights of Persons with Disabilities (CRPD),
Accessible Transportation, Parking, Sidewalks and Pedestrian Safety
Emergency Preparedness Subcommittees.

D. COMMUNICATIONS

None received

E. FUTURE AGENDA ITEMS (from adopted work plan, referrals, etc)

1. Accessible Media
2. Election of Officers – February
3. Adopt 2016 Work Plan - February

F. ADJOURNMENT

Agenda Posted: Tuesday, January 12, 2016

A complete agenda packet is available for public review on the web at http://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx, and at the Public Works/Engineering Division front desk, 1947 Center Street, 4th Floor.

ADA Disclaimer



"This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346 (V) or 981-6903 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting."

Communications Disclaimer

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 secretary to the relevant board, commission or committee for further information.*

Commission Secretary: Carmella Rejwan, AIA, Disability Compliance Coordinator, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6341, Fax: (510) 981-6340 TDD: (510) 981-6345 email: crejwan@cityofberkeley.info



Commission on Disability

DRAFT ACTION MINUTES

Regular Meeting
November 18, 2015

North Berkeley Senior Center
1901 Hearst Avenue (at MLK)
Berkeley, CA

A. PRELIMINARY BUSINESS

1. Call to Order

Vice Chair Trahan called the meeting to order at approximately 6:36 PM

2. Roll Call:

Commissioners Present: Graham, Leeder, Murray, Singer, Trahan, Upadhyay, Walsh and Weiss (Arr. 7:03).

Staff Present: Carmella Rejwan, Office of Access Services

Guest: Officer William Cocke, Police, Traffic and Parking Bureau

3. Public Comment (on items not on the Agenda):

Speakers: 0

4. Approval of Draft Action Minutes:

It was moved, seconded, carried (Trahan/Walsh) Unanimous to approve the Minutes of October 21, 2015. Ayes: Graham, Leeder, Murray, Singer, Trahan, Upadhyay, Walsh Noes: 0 Abstain: 0 Absent: Weiss (Arr. 7:03). Motion Passed (7 Ayes, 1 Absent).

5. Approval and Order of Agenda: The order was changed to take up item B2 before B1, to allow Officer Cocke to speak first.

6. Update by Administration: None

7. Announcements:

Commissioner Walsh announced that the "Spring Awakening" performance brought deaf and hearing Broadway actors, and spirit of inclusion to the White House. The White House also had another event on 11/17/15 celebrating the 40th anniversary of IDEA, Individual with Disabilities Educational Act.

Commissioner Walsh was invited to serve on the Steering Committee for DisBeat, a new communication invitation designed to coordinate and promote proactive messaging on disability rights issues throughout the country. DisBeat is a national project that was formed from the 25th anniversary celebration that was done across the USA via the ADA Legacy Project for which Ms. Walsh served as the media educational partner.

B. DISCUSSION / ACTION ITEMS

1. Adopt 2016 Regular Meeting Schedule

Motion was moved, seconded, carried (Singer/Trahan) Unanimous to approve the meetings schedule for 2016. Ayes: Graham, Leeder, Murray, Singer, Trahan Upadhyay, Walsh, Weiss. Noes: 0 Abstain:0 Absent: None. Motion Passed (8 Ayes)

Action: Motion Passed

2. Impacts of Bicyclists and Bicycle traffic on Vulnerable Pedestrian population.

Officer Cocke of the Berkeley Police Department gave a presentation on incidents of collisions. He mentioned that out of 56 city groupings Berkeley has the highest rate of collisions due to its density. There were 500 injuries in a year out of which 250 involved bicyclists or pedestrians but rarely between pedestrians and bicyclists. Commissioners commented that bicyclists use the sidewalk often which is not legal, and often do not stop at a stop line. People on a wheelchair at the sidewalk are rattled by fast bicyclists coming behind them not realizing that they cannot move fast. Commissioners felt the need for increasing signage, enforcing fines or alternately taking bike safety courses, public education and working with stakeholders. Commissioners also mentioned the risk of skateboarding which is allowed on sidewalks as they have to follow pedestrian rules.

Speaker Dan McMullan did not attend.

No action taken.

3. 2016 Berkeley Bike plan Update

Commissioner Graham presented her document on the Bike Plan.

After comments from commissioners the document was revised as follows:

Suggested Recommendations for the Berkeley Bike Plan from the City of Berkeley Commission on Disability

Specific Recommendations:

- 1) Increase the signage in Berkeley instructing bicyclists that riding on sidewalks, using curb cuts to access sidewalks, and riding in crosswalks is illegal (per BMC section 14.68.130). Recommend that new signs include reference to a fine that will be enacted should they break that rule. (We would like to recommend that optional attendance at a bike safety class conducted by a local bike agency could waive the monetary fine.) These signs should be posted specifically at the site of any new city rental bike "stations".

- 2) Add signage to existing stop signs at certain dangerous intersections instructing bicyclists that “all bikes must stop.”
- 3) Work with stakeholders such as bicycle merchants, UC Berkeley, and any future City Bikes rental programs to develop: a) posters about sidewalk safety that can be hung in their establishments; and b) FAQs or instructional brochures given to all new bike owners outlining rights and illegal behavior; and c) forms for bike renters to sign indicating that they have read the City of Berkeley rules, understand what is legal and illegal in terms of bicycle behavior, and agree to comply.
- 4) Review current legislation to investigate whether new legislation should be enacted to further protect pedestrians.
- 5) Work with Berkeley law enforcement to ensure that pedestrian safety laws (such as BMC section 14.68.130) are enforced and that ticketing of individuals who endanger pedestrian safety are prioritized.

Position statement:

We are very proud to be Commissioners in the city of Berkeley, which is the home of the independent living and disability rights movement. Our city was one of the first cities in the US to promote accessibility for people with disabilities. For example, we were the first city to use curb cuts to make it possible for people in wheelchairs to use the sidewalks safely. That history has made the city of Berkeley an attractive place to live for many people with disabilities. As a result, we host a large population of people who live independently with disabilities. If you observe the sidewalks of Berkeley you will be struck by the number of people who are blind, deaf, or who have mobility impairments, and get around with the assistance of wheelchairs, canes, or service animals. It’s an extraordinary city we live in.

As a Commission, we heartily endorse the use of bicycles as an alternative form of transportation to motorized cars. We share the common goal of emulating the cities of Europe where bicycling is a prevalent and preferred mode of transportation over cars. But those European cities also have very clear rules enforced for bicyclists, pedestrians and motorists to ensure the safety of all.

Unfortunately, it has become all too apparent recently that the safety of the sidewalks and crosswalks for people with disabilities and other citizens is compromised due to the behavior of bicyclists who break the law by riding their bikes on sidewalks, riding in crosswalks, and not stopping at stop signs. Our citizens with disabilities have shared stories with us about being hit by bicycles on the sidewalk, being terrified (or having service animals startled) when bicycles pass them at high speeds, bicycles who ring their bells at pedestrians expecting them to jump out of the way, clearly having no understanding that they

should not be riding on the sidewalks. Blind individuals may be able to hear a bicycle but not be able to determine its direction. Deaf individuals are not able to hear bicycles coming from behind or running stop signs. Those using wheelchairs or who have other mobility impairments may not be able to get out of the way in time to avoid a collision. This situation is also dangerous for young children walking on the sidewalks, or seniors with limited mobility or balance.

The city started a pilot program to put up signs on two blocks of downtown Berkeley (photos of signs attached). These signs politely ask bicyclists to ride on the road or walk their bikes on the sidewalk. Daily observation in downtown Berkeley has shown this pilot program to be a failure. The signs are posted 12 feet off the ground, out of the sight line of cyclists and pedestrians alike. Additionally, they do not reference any fine for this behavior. You will regularly see bicyclists speeding past these signs.

In the education portion of the last Berkeley Bicycle Plan, there was great focus on educating cyclists to improve safety for cyclists. There was good attention paid to educating motorists about how to prevent collisions with bicycles. But there was little mention of improving cyclist education around the safety of pedestrians. Pedestrians, especially those with disabilities, frail seniors, and young children are at the greatest risk when bicyclists engage in illegal behavior.

We feel we are at a point in Berkeley where the prevalence of bicycles riding on sidewalks is so commonplace, it is clear most cyclists have no understanding that of what constitutes appropriate behavior. They are not bad people, they simply have no idea that they are not supposed to be on the sidewalk since they look around and see others bicycling on the sidewalk, running stop signs, etc. The lack of consistency in bicycle rules is also unsafe during their interactions with motorists. Many bicyclists expect motorists to give them the right of way, as if they are pedestrians, causing confusion and potential accidents.

This situation has become increasingly out of control and something needs to be done. We believe the behavior of bicyclists in Berkeley is threatening our legacy as an environment that is welcoming and safe for people with disabilities. The time for polite signage has passed. We would like to have clear signage around Berkeley stating that biking on the sidewalks is illegal, with a monetary fine posted. "No bikes" stencils should possibly be considered for all curb cuts to educate cyclists not to use those to access sidewalks. The signage will be particularly important as biking expands through new city bike rental stations that we understand will be put into operation in 2016.

We feel that this problem needs to be adequately addressed in the Berkeley Bike

plan update, with a combination of strategies, including but not limited to: education for bicyclists, public awareness campaigns, engagement with stakeholders such as bicycle merchants, new legislation, and enforcement of illegal activity.

In the interest of all the citizens in Berkeley (including those with disabilities), we hope you will consider our recommendations to promote shared understanding around appropriate bicycle behavior.

Action: It was moved/ seconded, carried (Trahan/ Upadhyay) to approve the Bike Plan and designate Commissioner Graham to present them to the Transportation Commission at its November 19 meeting. Ayes: Graham, Leeder, Murray, Trahan, Singer, Upadhyay and Walsh. No: Murray. Motion Passed (Ayes 7, Noes:1).

4. Berkeley Research Collaborative – Presentation

Alex Mabanta of U C Berkeley, gave a presentation on a grant that he is preparing called the “Berkeley Research Collaborative” and requested that the Commission on Disability will give its support and join this effort. Chair Weiss mentioned that the commission cannot join without getting Council approval and suggested that at this point there is not enough information on the purpose of the collaborative. She requested further information.

No action taken.

5. Universal Design

a. Presentation: Harold Way Housing Project

Speaker: Kelly Hammargren.

Speaker Kelly Hammargren gave a presentation on the planned 18-story mixed- use residential/ commercial building at 2211 Harold Way. Two concerns were addressed, one is that it does not have affordable units, while it is expected to have 10% to 40% of the units affordable, and the second concern has to do with the fact that though it most probably complies with code it does not offer any fully accessible units. The building plans are currently being reviewed by the Planning Department.

Discussion, no action taken.

b. Discussion: Develop and Adopt Short and Long Term COD Goals for Future recommendation to Council.

Carried Over: This Item will be in the January Agenda.

No action taken

6. Referral from Transportation Commission: “It’s Up to All of Us Safety Campaign”

It was noted that feedback was given to the speaker during the October meeting.

No further action was taken.

7. Service Animal Welcome: Provision of Educational Material per Resolution 65, 751.

No action taken. Staff will provide update on City web material at next regular meeting.

8. Recognition of Don L. Brown, Retired City of Berkeley Disability Coordinator.

It was moved, seconded (Graham/Walsh) Unanimous to designate Commissioner Weiss to write up the recognition.

Action: Ayes: Graham, Leeder, Murray, Singer, Trahan, Upadhyay, Walsh, and Weiss. Noes: 0 Abstain: 0. Motion passed (8yaes).

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

1) Subcommittee Reports:

Convention on the Rights of Persons with Disabilities (CRPD)

Parking, Pedestrian Safety, and Sidewalks

Emergency Preparedness

D. COMMUNICATIONS

E. FUTURE AGENDA ITEMS

1. Universal Design: Discussion: Develop and adopt Short and Long Term COD Goals for future recommendation to Council– Commissioner Weiss.
2. Service Animals Welcome: Provision of Educational Material per Resolution 65,751. Staff (Rejwan).

F. ADJOURNMENT

It was MSC Trahan/Graham to adjourn the meeting at 10:00 PM.

Ayes: Graham, Leeder, Murray, Singer, Trahan, Upadhyay, Walsh, Weiss.

Public Present: 0 Total Speakers: 3

Commission Interim Secretary: Carmella Rejwan, Disability Coordinator, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-6341, Fax: (510) 981-6340
email: crejwan@ci.berkeley.ca.us,

Minutes on the web:

http://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_Disability_Homepage.aspx

January 20, 2016

To: Commissioners

From: Hazel Weiss

Re: Recognition of Don Brown I was authorized by the Commission to prepare:

The City of Berkeley Commission on Disability recognizes, acknowledges, thanks and commends Don L. Brown, Disability Services Specialist, Office of Access Services, City of Berkeley for his service to this Commission as its Secretary and primary staff resource, and for his service to the City of Berkeley working to ensure:

- access to City programs and services for people with disabilities, and
- compliance with local, state and federal laws that provide for access and protect persons with disabilities from discrimination.

As Disability Services Specialist, Mr. Brown further:

- developed training programs and resource materials,
- advised City employees about how to integrate people with disabilities in City activities.
- answered questions from both citizens and City employees about accommodating persons with disabilities and,
- Addressed multiple access considerations including: Communication Access, Facility Access, Employment Accommodations, Policies, procedures, and practices, and Information and Referral.

The Commission on Disability and the City of Berkeley also benefited greatly from Don Brown's knowledge, skills and experience in multidisciplinary areas of Disability Services, Education, Training, Advocacy and Public Policy. He is known at the local and national level for his expertise including his testimony on disability services to the United States Congress.

The Commission on Disability respectfully requests transmittal of this acknowledgment to Don L. Brown.