REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
July 22, 2008

Honorable Mayor and
Members of the City Council

Title: Americans with Disabilities Act (ADA) Public Rights-of-Way Prospective Plan

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** approving the FY 2008/09 Prospective Plan for Accessibility Improvements in the street public rights-of-way, (Prospective Plan).

Contact: Rocky Burks, Physical Access Manager, (916) 808-5521; Tim Mar, Supervising Engineer, (916) 808-7531

Presenters: None

Department: Transportation

Division: Engineering Services

Organization No: 3435 / 15001131

Description/Analysis

Issue: The Barden Settlement Agreement requires the City to remove or ameliorate obstacles in pedestrian rights-of-way and to submit to plaintiffs' counsel an annual Prospective Plan of accessibility planned improvements.

Policy Considerations: Implementation of the ADA accessibility programs and improvements is consistent with the City's Strategic Plan goals to enhance livability and expand economic development throughout the city.

Environmental Considerations: Approval of a Prospective Plan is not subject to the provisions of the California Environmental Quality Act (CEQA) under general rule (Section 15061 (b)(3)) that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

California Environmental Quality Act (CEQA): Prior to final approval, each individual project will be subject to environmental review in compliance with CEQA.

Sustainability Considerations: Implementation of the ADA accessibility programs and services promotes improved air quality by designing and constructing pedestrian ways that encourage walking and good health through walkable access to available amenities.

Commission/Committee Action: Staff reviewed the draft FY 2008/09 Prospective Plan with the Disability Advisory Commission (DAC) on June 19, 2008. The DAC reviewed the proposed expenditures contained in the Plan and concurred that the program areas addressed are important accessibility improvements that will assist in furthering the City of Sacramento's efforts for full inclusion of persons with disabilities. The DAC continues to express appreciation for the Department of Transportation's ongoing efforts to achieve disability access compliance at the earliest conceptual stages prior to construction. The DAC concluded by voting its support of the FY 2008/09 Prospective Plan (Exhibit A).

Rationale for Recommendation: Approval of the Prospective Plan by the City Council is required under the terms of the Barden Settlement Agreement.

Financial Considerations: The approved FY 2008/09 Capital Improvement Program budgeted approximately $6.0 million to the Public Rights-of-Way Accessibility project RG76/T15075900. The remaining funds to support the Prospective Plan are included within existing Capital Improvement Program projects.

Emerging Small Business Development (ESBD): No goods or services are being purchased.

Respectfully Submitted by: _____
Nicholas Theocharides
Engineering Services Manager

Approved by: _____
Jerry Way
Director of Transportation

Recommendation Approved:

_____
Ray Kerridge
City Manager

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Attachment 1

Background

The City of Sacramento settled the lawsuit known as Barden et. al. v. City of Sacramento effective January 1, 2004. A primary provision of the settlement agreement is that the City must expend an amount equal to twenty percent (20%) of its annual "Transportation Funds" (defined as eligible Measure A and Gas Tax funds) on removing or ameliorating obstacles in pedestrian rights-of-way. The obligation under the Barden settlement agreement lasts 30 years from the above effective date.

Under the terms of the settlement agreement the City agreed to submit to Class Counsel a Prospective Plan each year specifying how the City is proposing to spend the Annual Obligation during the upcoming year. In compliance with the settlement agreement, staff prepared the FY 2008/09 Prospective Plan. City Council must approve the Prospective Plan prior to its submittal to the Class Counsel on July 25, 2008.

The City's estimated FY 2008/09 Annual Obligation is approximately $6.0 million. The FY 2008/09 Prospective Plan (Exhibit A) proposes to spend $5,028,109 on several program areas. Staff expects that every year there will be either an overage or shortage carried forward from the prior year.

Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVE THE FY 2008/09 PROSPECTIVE PLAN FOR ACCESSIBILITY IMPROVEMENTS IN THE STREET PUBLIC RIGHTS-OF-WAY

BACKGROUND

A. The Barden Settlement Agreement (Barden) was entered into in August 2003 and became effective on January 1, 2004. The primary provision of the settlement agreement was that the City must expend an amount equal to twenty percent (20%) of its annual "Transportation Funds" (defined as eligible Measure A and Gas Tax funds) on removing or ameliorating obstacles in the street public rights-of-way.

B. Under the terms of the settlement agreement the City agreed to submit to Class Counsel a Prospective Plan each year specifying how the City is proposing to spend the Annual Obligation during the upcoming year. City Council must approve the Prospective Plan prior to its submittal to the Class Council on July 25, 2008.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The FY 2008/09 Prospective Plan for Accessibility Improvements in the Street Public Rights-of-Way is approved (Exhibit A).

Section 2. City staff is directed to submit the Prospective Plan to Class Counsel in accordance with the terms of the Barden Settlement Agreement.

Table of Contents:

Exhibit A: FY 2008/09 Prospective Plan for Pedestrian Rights-of-Way Projects – 2 pages.

Exhibit A

FY 2008/09 Prospective Plan for Street Public Rights-of-Way Projects

Program Area	Description of Accessibility Work	Estimate
Curb Ramps	Curb Ramps associated with Street Overlays, Sidewalk Repairs and Drain Inlet Upgrades.	$3,277,500
Citizen requested curb ramps	Curb ramps installed along class members' daily path of travel upon request. Estimated 125 ramps.	$712,500
Non-curb ramp related Citizen Requests	Citizen requests related to crosswalks, truncated domes and audible signals.	$75,000
Traffic Engineering Curb Ramps	Estimated 70 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc.	$241,000
3rd Party Agreement Projects	Funds to support projects developed under the Third Party MOU.	$50,000
Developer Reimbursement of Non-Required Ramps	The City reimburses private developers for the costs of installing non-required compliant curb ramps.	$50,000
Accessibility features within other Capital Improvement Projects (See attached list on page 7)	Accessibility features (Curb Ramps, Crosswalks, Pedestrian Signals, Pedestrian Islands, Sidewalks, Bulb Outs, etc.) constructed as part of other projects for overall efficiency of project work.	$622,109
TOTAL ESTIMATED COSTS		**$5,028,109**

Exhibit A

Specific Capital Improvement Projects with Accessibility Features
FY 2008/09 Prospective Plan

CIP No.	Project Name	Project Description	Estimated Cost
SM21 = T15075300	W. El Camino/Colfax Traffic Signal	Construct traffic signal and 4 curb ramps	$30,000
TY32 = T15036101	Broadway/42nd Street Traffic Signal	Construct traffic signal and 8 curb ramps	$42,000
TE02 = T15056001	Dixieanne Green Streets	Construct new sidewalks and 25 curb ramps	$157,500
TL63 = T15008001	Two way traffic conversion on 3rd Street between I & J Streets	Construct new sidewalk and 2 curb ramps	$11,542
TL64 = T15008002	Two way traffic conversion on N St between 21st to 28th Streets	Install detectable warnings	$2,798
SN31 = T15075300	Sidewalk Gap Closure Projects	Construct new sidewalk and 8 curb ramps	$378,269
TOTAL ESTIMATED CIP COSTS			**$622,109**