

REPORT TO COUNCIL

City of Sacramento

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CONSENT
 March 10, 2009

Honorable Mayor and
 Members of the City Council

Title: Reallocation of Public Right-of-Way Accessibility Program Funds

Location/Council District: Citywide

Recommendation: Adopt a **Resolution:** 1) authorizing the expenditure of up to \$3 million for accessibility improvements to prepare the street overlay project for economic stimulus funds; 2) returning \$4.1 million from Public Right-of-Way Accessibility Program (T15075900) to Measure A Construction (Fund 2001) contingency held at the Sacramento Transportation Authority (STA) for reprogramming within the new five-year Capital Improvement Program (CIP) cycle, and 3) directing staff to submit a fiscal year reallocation request to the Sacramento Transportation Authority (STA) in the amount of \$4.1 million.

Contact: Lucinda Willcox, Program Manager, 808-5052; Tim Mar, Supervising Engineer, 808-7531; Juan Montanez, Streets Manager, 808-2254

Presenters: None

Department: Transportation

Division: Engineering Services

Organization No: 15001121

Description/Analysis

Issue: The City has annually allocated funding to the Public Right-of-Way Accessibility Program (T15075900) to support the provision of accessibility enhancements consistent with the City's Americans with Disabilities Act (ADA) Barden Settlement Agreement. The City has also completed accessibility enhancements through a variety of other funding sources and projects, resulting in ongoing reserves in this program. To maximize the use of the funds and to prepare for anticipated economic stimulus funds, a total of \$3 million is proposed to be used to complete accessibility improvements for streets that will be overlaid with economic stimulus funding. The remaining \$4.1 million in reserve funds are proposed to be moved to Measure A Construction (Fund 2001) contingency held

by the Sacramento Transportation Authority (STA) and then reprogrammed for the new five-year Capital Improvement Program (CIP) cycle.

Policy Considerations: The action requested supports the City's Strategic Plan goals of improving the transportation system, expanding public safety, achieving sustainability, and enhancing livability and economic vitality.

Environmental Considerations:

California Environmental Quality Act (CEQA): Reallocation of funds is not considered a project as defined by Section 15378(a) of the California Environmental Quality Act guidelines. The recommended action involves no physical construction and has no potential to cause significant impact to the environment, and therefore is not subject to CEQA. Any projects funded with this CIP will undergo appropriate environmental review.

Sustainability Considerations: Implementation of accessibility improvements enhances the pedestrian facilities in the public right-of-way.

Other: None

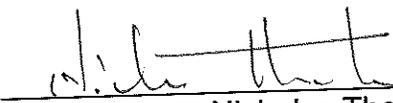
Commission/Committee Action: None

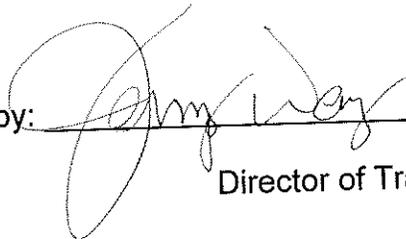
Rationale for Recommendation: The City is preparing projects to take maximum advantage of all economic stimulus funds that may be available for road rehabilitation projects. By spending up to \$3 million to make accessibility improvements in preparation for street overlays, the City maximizes the use of its federal funding opportunities. The reallocation of the remaining reserve funds in the Public Right-of-Way Accessibility Program (T15075900) will allow the City to more effectively program funds for the upcoming five-year Capital Improvement Program (CIP) cycle.

Financial Considerations: The Public Right-of-Way Accessibility Program (T15075900) currently has \$7.1 million in reserve funds. Up to \$3 million will be spent on accessibility improvements in anticipation of economic stimulus funds for roadway rehabilitation projects. The remaining \$4.1 million will be returned to Measure A Construction (Fund 2001) contingency held by the Sacramento Transportation Authority (STA) and reprogrammed as part of the new five-year Capital Improvement Program (CIP) cycle.

There are no General Fund allocations or expenditures associated with the recommended actions.

Emerging Small Business Development (ESBD): Not applicable. Any contracts for the work will comply with any applicable ESBD for federal DBE requirements.

Respectfully Submitted by: 
Nicholas Theocharides
Engineering Services Manager

Approved by: 
Jerry Way
Director of Transportation

Recommendation Approved:

Ben

Ray Kerridge
City Manager

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Attachment 1

Background Information:

The City's Americans with Disabilities Act (ADA) Barden Settlement Agreement, approved in Spring 2003, requires the City to spend an amount equal to 20 percent of its annual Measure A Sales Tax and state Gas Tax revenues on ADA improvements within the street right-of-way. This obligation is for a period of 30 years.

To ensure conformance with the Settlement Agreement, each year the City has appropriated 20 percent of annual Gas Tax revenues and Measure A Sales Tax revenues into the Public Right-of-Way Accessibility Program (T15075900). This program pays for curb ramps in the annual overlay program, and sidewalk repair program, ramps and other improvements based on citizens' requests, other disability requests, curb ramps for drain inlet relocations, ramps associated with the Neighborhood Transportation Management Program (NTMP), and ADA improvements made with third parties (e.g., SMUD, PG&E).

In addition to activities funded directly through the Public Right-of-Way Accessibility Program (T15075900), the City has constructed a substantial amount of ADA improvements using other fund sources (e.g., Major Street Construction Tax, Drainage Fund, Community Development Block Grant (CDBG) funds, and various state and federal funds). This has allowed the City to meet or exceed its annual obligations under the Settlement Agreement and has generated approximately \$7.1 million in reserves in the Public Right-of-Way Accessibility Program (T15075900).

One of the best opportunities to comprehensively and efficiently complete accessibility improvements is in connection with major street overlays and seals projects. The City is anticipating the receipt of economic stimulus funds that are ideally suited to address street overlay projects. In order to maximize the use of these dollars, City staff is recommending using up to \$3 million to pay for accessibility improvements. It is anticipated that this will prepare for up to \$8 million to \$12 million in economic stimulus funding for roadway overlays and seals projects.

Staff recommends to return the remaining \$4.1 million in reserve funds in the Public Right-of-Way Accessibility Program (T15075900) to Measure A Construction (Fund 2001) contingency held at the Sacramento Transportation Authority (STA) so it will be available to reprogram for the new five-year Capital Improvement Program (CIP).

RESOLUTION NO.

Adopted by the Sacramento City Council

REALLOCATION OF PUBLIC RIGHT-OF-WAY ACCESSIBILITY PROGRAM FUNDS

BACKGROUND

- A. The City annually funds the Public Right-of-Way Accessibility Program (T15075900) to support installation of accessibility improvements in the street right-of-way.
- B. The City monitors its spending on accessibility improvements to ensure compliance with the Barden Settlement Agreement requirements for funding equivalent to 20 percent of annual City Gas tax and Measure A Sales Tax revenues.
- C. The City has generated reserve funds in the Public Right-of-Way Accessibility Program (T15075900) while meeting its required funding obligations.
- D. In preparation for anticipated street overlay projects that are eligible for economic stimulus funding, accessibility improvements need to be constructed for those roadways proposed for overlays.

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

- Section 1. Staff is authorized to spend up to \$3 million on accessibility improvements to prepare for street overlay projects funded through economic stimulus funds.
- Section 2. The FY08/09 Capital Improvement Program revenue and expense budgets are amended by returning \$4.1 million from the Public Right-of-Way Accessibility Program (T15075900) to Measure A Construction (Fund 2001) contingency held at the Sacramento Transportation Authority (STA) for the purposes of reprogramming within the new five-year Capital Improvement Program (CIP) cycle.
- Section 3. Staff is directed to submit the fiscal year reallocation request to the Sacramento Transportation Authority (STA) in the amount of \$4.1 million.