



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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CONSENT
June 23, 2009

**Honorable Mayor and
Members of the City Council**

**Title: Americans with Disabilities Act (ADA) Public Rights-of-Way Prospective
Plan for Fiscal Year 2009/10**

Location/Council District: Citywide

Recommendation: Adopt a Resolution approving the FY 2009/10 Prospective Plan for Accessibility Improvements in the Public Rights-of-Way.

**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: 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 Class Counsel an annual Prospective Plan of accessibility improvements.

Policy Considerations: Implementation of the ADA accessibility programs and improvements are 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.

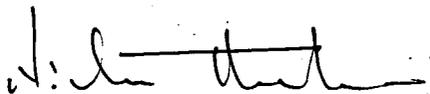
Sustainability Considerations: Implementation of the ADA accessibility programs, services and improvements promotes improved air quality by designing and constructing pedestrian ways that encourage walking and good health through walkable access to available amenities.

Commission/Committee Action: Staff reviewed the FY 2009/10 Prospective Plan with the Disability Advisory Commission (DAC) on May 21, 2009. The DAC reviewed the proposed expenditures contained in the Plan and agreed 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. Additionally, the DAC recommended the Interstate 80 Bicycle/Pedestrian Bridge Project (K15020000) which is currently in final design, employ some type of striping delineation between the pedestrian and bicycle spaces to promote safety between users. Department of Transportation (DOT) will determine the feasibility of this request. 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 voted its support of the FY 2009/10 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 2009/10 Capital Improvement Program budgeted approximately \$2.78 million to the Public Rights-of-Way Accessibility Project (T15100600). The remaining funds to support the Prospective Plan are included within existing Capital Improvement Program projects. No general funds are planned or allocated for these 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:


for Ray Kerridge
City Manager

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Attachment 1

Background:

Issue: The City of Sacramento settled the lawsuit known as Barden, et al., v. City of Sacramento with an effective date of January 1, 2004. A primary provision of the settlement agreement requires the City to 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 shall last 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 2009/10 Prospective Plan. City Council must approve the Prospective Plan prior to its submittal to the Class Counsel in July, 2009.

The City's estimated FY 2009/10 Annual Obligation is approximately \$3.8 million. The FY 2009/10 Prospective Plan (Exhibit A) proposes to spend \$10,689,909 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 2009/10 PROSPECTIVE PLAN FOR ACCESSIBILITY
IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY**

BACKGROUND

- A. The Barden Settlement Agreement (Barden) became effective on January 1, 2004. The primary provision of the settlement agreement was 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 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 in July 2009.

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

- Section 1. The FY 2009/10 Prospective Plan for Accessibility Improvements in the 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 2009/10 Prospective Plan for the Pedestrian Public Rights-of-Way Projects – 2 pages.

**FY 2009/10 Prospective Plan for Accessibility Improvements in the
Public Rights-of-Way**

| Program Area | Description of Accessibility Work | Estimate |
|--|---|---------------------|
| Curb Ramps | Curb Ramps associated with Street Overlays, Sidewalk Repairs and Drain Inlet Upgrades. Estimated 591 curb ramps. | \$4,140,000 |
| Citizen requested curb ramps | Curb ramps installed along class members' daily path of travel upon request. Estimated 50 curb ramps. | \$348,000 |
| Non-curb ramp related Citizen Requests | Citizen requests related to crosswalks, truncated domes and audible signals. | \$150,000 |
| Traffic Engineering Curb Ramps | Estimated 56 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc. | \$392,000 |
| 3rd Party Agreement Projects | Funds to support projects developed under the Third Party MOU. | \$50,000 |
| Specific Capital Improvement Projects with Accessibility Features (List Attached) | 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. | \$5,609,909 |
| TOTAL ESTIMATED COSTS | | \$10,689,909 |

Exhibit A

**Specific Capital Improvement Projects with Accessibility Features
FY 2009/10 Prospective Plan**

| CIP No. | Project Name | Project Description | Estimated Cost |
|----------------------------------|--|--|-----------------------|
| RK08 / T15037504 | 15 th St / 16 th St & W St / X St Pedestrian Improvements | Construct new curb ramps or install detectable warnings at intersections. | \$50,000 |
| RR27 / T15075201 | Ethel Phillips Elementary School Pedestrian Improvements | Construct new curb, gutter, sidewalk and curb ramps. | \$450,000 |
| TP51 / T15095500 | Del Paso Pedestrian Signal | Construct curb ramps and crosswalk to Natomas Middle School | \$15,000 |
| HC21 / K15020000 | Interstate 80 Bicycle/Pedestrian Bridge | Construct bicycle/pedestrian bridge crossing Interstate 80 and West Drainage Canal to provide access between North & South Natomas west of Interstate 5. | \$3,013,250 |
| SU46 / S15084900 | Del Paso & I-5 Signalization | Construct new curb, gutter, sidewalk and curb ramps at new traffic signal at the freeway interchange. | \$135,600 |
| TI71 / T15085700 | Robla Elementary Safe Routes to School | Construct new frontage improvements to include drainage, curb, gutter, sidewalks and curb ramps. | \$328,800 |
| TY46 / T15036300 | Fruitridge Road Streetscape | Improve Fruitridge Road frontage between 65 th Street and Power Inn Road to include new curb, gutter, sidewalk and curb ramps. | \$311,000 |
| TP36 / T15098300 | Main Avenue Sidewalk | Construct new curb, gutter, sidewalk and curb ramps from Raley Blvd to Marysville Blvd. | \$473,273 |
| TW81 / T15065800 | Redding Avenue Bicycle & Pedestrian Improvements | Construct new curb, gutter, sidewalk and curb ramps at 4 th Avenue to Q Street and 69 th Street from Q Street to Folsom Blvd. | \$832,986 |
| TOTAL ESTIMATED CIP COSTS | | | \$5,609,909 |