



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
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Meeting Date: 9/18/2012

Report Type: Consent

Title: Americans with Disabilities Act (ADA) Public Rights-of-Way Prospective Plan for Fiscal Year 2012/13

Report ID: 2012-00746

Location: Citywide

Recommendation: Pass a Resolution approving the FY2012/13 Prospective Plan for Accessibility Improvements in the Public Rights-of-Way.

Contact: Rocky Burks, Program Specialist, (916) 808-5521; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Presenter: None

Department: Public Works Department

Division: Civil & Electrical Design

Dept ID: 15001131

Attachments:

- 1- Description/Analysis
 - 2 - Background Information
 - 3 - Resolution
 - 4 - Exhibit A - FY 2012/13 Prospective Plan for the Pedestrian Public Rights-of-Way Projects
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City Attorney Review

Approved as to Form
Gerald Hicks
9/4/2012 8:48:21 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
8/28/2012 3:27:43 PM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 8/30/2012 11:39:13 AM



Description/Analysis

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

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

Economic Impact: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): Approval of a Prospective Plan is not subject to the provisions of the 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.

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 FY2012/13 Prospective Plan with the Disability Advisory Commission (DAC) on August 6, 2012. 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. The DAC continues to express appreciation for the Department of Public Works' ongoing efforts to achieve disability access compliance at the earliest conceptual stages prior to construction. The DAC voted its support of the FY2012/13 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 FY2012/13 Capital Improvement Program budget is \$800,000 to the Public Rights-of-Way Accessibility Project (T15130600). There are funds in the amount of \$776,373 remaining to support the Prospective Plan.

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



Background

The *Barden, et al., v. City of Sacramento* class action lawsuit was settled effective 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 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 FY2012/13 Prospective Plan. City Council must approve the Prospective Plan prior to its submittal to the Class Counsel in September 2012.

The City's estimated FY2012/13 Annual Obligation is approximately \$4,696,254. The FY2012/13 Prospective Plan (Exhibit A) proposes to spend \$3.15 million on several program areas. Staff expects that every year there will be either an overage or shortage carried forward from the prior year.



RESOLUTION NO.

Adopted by the Sacramento City Council

APPROVE THE FY2012/13 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 Barden Class Council in September 2012.

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

- Section 1. The FY2012/13 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.
- Section 3. Exhibit A is attached and is part of this Resolution.

Table of Contents:

- Exhibit A: FY2012/13 Prospective Plan for the Pedestrian Public Rights-of-Way Projects



EXHIBIT A

FY2012/13 Prospective Plan for Accessibility Improvements in the Public Rights-of-Way

Program Area	Description of Accessibility Work	Estimate
Curb Ramps & Detectable Warning Tiles	Curb Ramps associated with Street Overlays, Sidewalk Repairs and Drain Inlet Upgrades. Estimated 250 curb ramps.	\$1,287,000
Citizen requested and sidewalk maintenance program curb ramps	Curb ramps installed along class member's daily path of travel upon request and maintenance efforts. Estimated 77 curb ramps.	\$416,000
Non-curb ramp related Citizen Requests	Citizen requests related to crosswalks, truncated domes and audible signals.	\$25,000
Traffic Engineering Curb Ramps	Estimated 10 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc.	\$54,000
3rd Party Agreement Projects	Funds to support projects developed under Third Party MOU's.	\$25,000
Accessibility features within other Capital Improvement Projects (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.	\$1,339,000
TOTAL ESTIMATED COSTS		\$3,146,000

**Specific Capital Improvement Projects with Accessibility Features
FY 2012/13 Prospective Plan**

CIP No.	Project Name	Project Description	Estimated Cost
S15114300	Riverside Blvd & Park Riviera Way Traffic Signal Upgrade	Modify pedestrian signals and construct 2 curb ramps.	\$20,000
T15116400	SR99/Elkhorn Blvd & E. Commerce Way	Construct new pedestrian signal, modify pedestrian signal, curb, gutter, sidewalk and 6 curb ramps.	\$55,000
T15065701	City College Bicycle/Pedestrian Improvements	Construct curb, gutter, sidewalk and 4 curb ramps.	\$50,000
T15100401	Franklin Blvd Frontage Improvements	From 36 th Avenue to Huss Avenue, construct 480 feet of new curb gutter and sidewalk and 1 curb ramp.	\$215,000
T15100402	Northgate Blvd Sidewalk Improvements	From Rosin Court to Clay Street, construct 400 feet of infill sidewalk.	\$106,000
T15116300	El Camino Avenue Sidewalk Improvements	From Evergreen Street to Clay Street, construct 2,200 feet of curb, gutter, sidewalk and 14 curb ramps.	\$770,000
K15115002	Part I - North Bend Drive & Natomas Blvd	Construct 1 curb ramp and crosswalk.	\$7,000
	Part II – Bonfair Avenue & Duckhorn Drive	Construct 2 curb ramps, install 2 detectable warning tiles and 3 crosswalks.	\$20,000
S15044700	Rio Linda Blvd & Bell Avenue Traffic Signal Upgrade	Construct 8 curb ramps and 4 crosswalks.	\$48,000
T15075300	Sidewalk Infill Project	South side of South Avenue construct 300 feet of sidewalk eastward to Presido Street & 100 feet of curb, gutter and sidewalk to Verano Street.	\$38,000
TOTAL ESTIMATED CIP COSTS			\$1,339,000