

**Meeting Date:** 9/17/2013

**Report Type:** Consent

**Report ID:** 2013-00666

**Title: Americans with Disabilities Act (ADA) Public Right-of-Way Prospective Plan for Fiscal Year 2013/14**

**Location:** Citywide

**Issue:** Approval of the FY 2013/14 Prospective Plan for Accessibility Improvements in the Public Right-of-Way is needed to implement the terms of the Barden Settlement Agreement.

**Recommendation:** Pass a Resolution approving the FY 2013/14 Prospective Plan for Accessibility Improvements in the Public Right-of-Way.

**Contact:** Cecilyn Foote, Associate Civil Engineer (916) 808-6843; Nicholas Theocharides, Engineering Services Manager (916) 808-5065, Department of Public Works

**Presenter:** None

**Department:** Public Works Department

**Division:** Funding & Project Development

**Dept ID:** 15001121

**Attachments:**

1-Description/Analysis

2-Background

3-Resolution

4-Exhibit A (FY2013/14 Prospective Plan for the Pedestrian Public Right-of Way Projects)

---

**City Attorney Review**

Approved as to Form  
Gerald Hicks  
9/9/2013 11:27:14 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
John Colville  
8/29/2013 9:57:50 AM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 9/4/2013 7:47:33 AM

## Description/Analysis

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

**Policy Considerations:** Implementation of the ADA accessibility programs and improvements is consistent with the City's General Plan goals and policies of providing a continuous pedestrian network in existing and new neighborhoods that facilitates convenient pedestrian travel free of major impediments and obstacles and developing safe pedestrian ways that are universally accessible.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** Approval of a FY2013/14 Prospective Plan is not subject to the provisions of the CEQA. Under CEQA general rule 15061-B-3, CEQA applies only to projects which have the potential for causing a significant effect on the environment. These actions will have no effect on the environment and are therefore not subject to 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 is consistent with the Sustainability Master Plan goal to improve air quality by designing and constructing pedestrian ways that encourage walking and good health through walkable access to available amenities

**Other:** None.

**Commission/Committee Action:** Staff reviewed the FY2013/14 Prospective Plan (Plan) with the Disability Advisory Commission (DAC) on July 18, 2013. 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. The DAC voted in support of the FY2013/14 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 FY2013/14 Prospective Plan for Accessibility Improvements in the Public Right-of-Way is estimated to cost \$3,372,000.

Funding is reserved within the following projects and will be available during the construction phase to support the completion of the FY2013/14 Prospective Plan.

Specific Capital Improvement Projects with Accessibility Features		\$1,556,000
Freeport Shores Bike/Pedestrian Bridge (K15000000)	\$446,000	
Pedestrian Safety Program (S15120500)	\$192,000	
McClellan Heights - North Avenue Frontage Improvements (T15016001)	\$637,000	
Vinci Avenue Bridge Improvements (T15125500)	\$58,000	
Freeport Boulevard and Claudia Drive Traffic Signal (T15134300)	\$57,000	
Acacia Avenue Safe Routes to School (T15135700)	<u>\$166,000</u>	
	\$1,556,000	
FY14 Public Right-Of-Way Accessibility (T15140600)		\$800,000
FY14 Street/Bikeway Overlays and Seals Program (R15142000)		<u>\$1,016,000</u>
		\$3,372,000

To meet the estimated FY2013/14 Annual Obligation of \$4,773,000, the City proposes to claim a credit of \$1,401,000 toward this year's prospective plan for work completed in prior years which exceeded the previous obligations.

There are no General Funds planned or allocated for this project.

**Emerging Small Business Development (ESBD):** None, since no goods or services are being procured with this action.

## **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 FY2013/14 Prospective Plan. City Council approval of the FY2013/14 Prospective Plan is needed prior to its submittal to the Class Counsel in September 2013.

The City's estimated FY2013/14 Annual Obligation is approximately \$4,773,000. The FY2013/14 Prospective Plan (Exhibit A) proposes to spend \$800,000 on several accessibility program areas, \$1,016,000 on curb ramps constructed in association with the annual overlay project, and \$1,556,000 on accessibility improvements constructed in association with specific capital improvement projects that are expected to be completed during this fiscal year. In addition, the City proposes to claim a credit of \$1,401,000 toward this year's prospective plan for work completed in prior years which exceeded the previous obligations. A breakdown of the total proposed expenditures and credits to be applied toward the FY2013/14 Annual Obligation is as follows:

Public Works Right-of-Way Accessibility Program		\$800,000
Accessibility Program – Administrative costs	\$180,000	
Curb Ramps – Street Maintenance	\$70,000	
Curb Ramps – Constructed per citizen requests	\$416,000	
Miscellaneous Accessibility Improvements (non-curb ramp) – Constructed per citizen requests	\$25,000	
Curb Ramps – Constructed for drain inlet upgrades	\$30,000	
Transportation Division Accessibility Improvements – Constructed per citizen requests	\$54,000	
3rd Party Accessibility Improvements – Constructed per citizen requests	\$25,000	
Public Works Street Maintenance Division Curb Ramps – Constructed for overlay project		\$1,016,000
Specific Capital Improvement Projects with Accessibility Features		\$1,556,000
Credit for Accessibility Improvements from Previous Years		\$1,401,000
	TOTAL	\$4,773,000

Staff expects that every year there will be either an overage or a shortage in expenditures carried forward from the prior year. In past years, the City typically exceeded the Annual Obligation and carried an overage forward. The current overage is in excess of \$7 million, which is sufficient to cover the \$1.4 million credit included toward the City’s FY2013/14 annual obligation.

## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **AMERICANS WITH DISABILITIES ACT (ADA) PUBLIC RIGHT-OF-WAY PROSPECTIVE PLAN FOR FISCAL YEAR 2013/14**

#### **BACKGROUND**

- A. The Barden Settlement Agreement (Barden) became effective on January 1, 2004. The 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 the public right-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. The City Council must approve the FY2013/14 Prospective Plan prior to its submittal to the Barden Class Council in September 2013.

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

- Section 1. The FY2013/14 Prospective Plan for Accessibility Improvements in the Public Right-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 hereby incorporated into and is a part of this Resolution.

#### **Table of Contents:**

- Exhibit A: FY2013/14 Prospective Plan for the Pedestrian Public Right-of-Way Projects

**Exhibit A**

**FY2013/14 Prospective Plan for Accessibility Improvements in the Public Right-of-Way**

<b>Program Area</b>	<b>Description of Accessibility Work</b>	<b>Estimate</b>
Curb Ramps	Curb Ramps associated with Street Overlays, Sidewalk Repairs and Drain Inlet Upgrades. Estimated 255 curb ramps.	\$1,296,000
Citizen-requested curb ramps	Curb ramps installed along class members' daily path of travel upon request. Estimated 77 curb ramps.	\$416,000
Non-curb ramp related Citizen Requests	Citizen requests related to crosswalks, truncated domes and audible signals.	\$25,000
Transportation Division Accessibility Improvements	Estimated 10 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc.	\$54,000
3rd Party Accessibility Improvements	Funds to support projects developed under the Third Party MOU.	\$25,000
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.	\$1,556,000
<b>TOTAL ESTIMATED COSTS</b>		<b>\$3,372,000</b>

**Exhibit A****Specific Capital Improvement Projects with Accessibility Features  
FY2013/14 Prospective Plan**

<b>CIP No.</b>	<b>Project Name</b>	<b>Project Description</b>	<b>Estimated Cost</b>
K15000000	Freeport Shores Bike Pedestrian Bridge	Construct a multi-use trail between the current terminus on the Sacramento River levee and the Bill Conlin Youth Sports Complex.	\$446,000
S15120500	Pedestrian Safety Program (Center Parkway & Arroyo Vista Drive Pedestrian Signal)	Construct curb ramps and install pedestrian signal.	\$192,000
T15016001	McClellan Heights – North Avenue Frontage Improvements	Construct new curb, gutter, sidewalk, and curb ramps on North Avenue between Pinell Street and Winters Street.	\$637,000
T15125500	Vinci Avenue Bridge Improvements	Construct new sidewalk on Vinci Avenue.	\$58,000
T15134300	Freeport Blvd and Claudia Drive Traffic Signal	Construct curb, gutter, sidewalk, and curb ramps at the intersection of Freeport Boulevard and Claudia Drive.	\$57,000
T15135700	Acacia Avenue Safe Routes to School	Construct new curb, gutter, sidewalk, and curb ramps on Acacia Avenue between Rio Linda Boulevard and Altos Avenue.	\$166,000
<b>TOTAL ESTIMATED CIP COSTS</b>			<b>\$1,556,000</b>

