

REPORT TO COUNCIL

City of Sacramento

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

CONSENT
July 20, 2010

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

**Title: Americans with Disabilities Act (ADA) Public Rights-of-Way Prospective
Plan for Fiscal Year 2010/11**

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** approving the FY 2010/11 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 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:

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

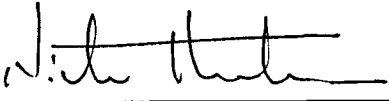
Sustainability Considerations: Implementation of ADA accessibility programs, services and improvements encourages walking which promotes good health.

Commission/Committee Action: Staff reviewed the FY 2010/11 Prospective Plan with the Disability Advisory Commission (DAC) on June 17, 2010. The DAC reviewed the proposed expenditures contained in the Plan and agreed that the proposed accessibility improvements will further the City of Sacramento's efforts to improve access for persons with disabilities. The DAC continues to express appreciation for the City's ongoing efforts to improve disability access. The DAC voted its support of the FY 2010/11 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 2010/11 Capital Improvement Program budgeted \$2.0 million to the Public Rights-of-Way Accessibility Project (T15110600). The remaining funds to support the Prospective Plan are included within existing capital improvement 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:

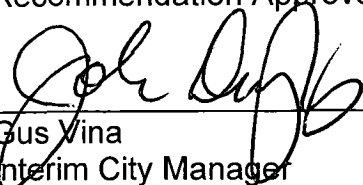

Gus Vina
Interim City Manager

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Attachment 1

Background:

The City of Sacramento settled the lawsuit known as Barden, et al., v. City of Sacramento 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 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 agreement, staff prepared the FY 2010/11 Prospective Plan. City Council must approve the Prospective Plan prior to its submittal to the Class Counsel in July 2010.

The City's estimated FY 2010/11 Annual Obligation is approximately \$4.29 million. The FY 2010/11 Prospective Plan (Exhibit A) proposes to spend \$5.3 million. 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 2010/11 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 obstacles in the pedestrian rights-of-way.
- B. The City's estimated FY 2010/11 Annual Obligation is approximately \$4.29 million. The FY 2010/11 Prospective Plan (Exhibit A) proposes to spend \$5.3 million. Staff expects that every year there will be either an overage or shortage carried forward from the prior year.
- C. Under the terms of the 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 Counsel in July 2010.

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

- Section 1. The FY 2010/11 Prospective Plan for Accessibility Improvements in the Public Rights-of-Way is approved (Exhibit A).
- Section 2. The City Manager is authorized to direct staff to submit the Prospective Plan to Class Counsel in accordance with the terms of the Barden Settlement Agreement.
- Section 3. Exhibit A is incorporated into and made part of this resolution.

Table of Contents:

- Exhibit A: FY 2010/11 Prospective Plan for the Pedestrian Public Rights-of-Way Projects – 2 pages.

Exhibit A

**FY 2010/11 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 286 curb ramps.	\$1,498,000
Citizen requested curb ramps	Curb ramps installed along class members' daily path of travel upon request. Estimated 50 curb ramps.	\$260,000
Non-curb ramp related Citizen Requests	Citizen requests related to crosswalks, truncated domes and audible signals.	\$50,000
Traffic Engineering Curb Ramps	Estimated 10 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc.	\$52,000
3rd Party Agreement Projects	Funds to support projects developed under the Third Party MOU.	\$385,000
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.	\$3,068,000
TOTAL ESTIMATED COSTS		\$5,313,000

**Specific Capital Improvement Projects with Accessibility Features
FY 2010/11 Prospective Plan**

CIP No.	Project Name	Project Description	Estimated Cost
T15088000	Intelligent Transportation System	Installing ITS system pedestrian push buttons from 34 th to 55 th Street along Folsom Blvd. and detectable warnings @ 50 curb ramps	\$200,000
T15037504	15 th , 16 th , @ W & X Streets Pedestrian Improvements	Modify pedestrian signals and construct 8 curb ramps	\$60,000
S15094300	6 th Street & W Street Traffic Signal	Construct new traffic signal, pedestrian signals and 5 curb ramps	\$60,000
T15036100	Broadway/Martin Luther King Intersection Improvements	Construct new traffic signal, pedestrian signals, curb, gutter, sidewalk and 6 curb ramps	\$300,000
S15084800	Interstate 80/West El Camino Avenue Traffic Signal	Construct new traffic signal, pedestrian signals, curb, gutter, sidewalk and 8 curb ramps	\$150,000
T15105500	Elvas Avenue Landscaping	Construct new sidewalk	\$30,000
T15068400	Norwood Bridge Replacement @ Arcade Creek	Construct new bridge, curb, gutter, sidewalk and accessible pedestrian ramp	\$100,000
T15088300	Richard Blvd/Interstate 5 Access	Construct access from Railyards along Bercut Dr., Jibboom St. and Richards Blvd., new curb, gutter, sidewalk, traffic signals, pedestrian signals and 16 curb ramps	\$1,200,000
T15085800	Jessie Avenue Frontage Improvements	Construct new sidewalk, curb, gutter and 8 curb ramps	\$600,000
T15095400	District 5 Accessibility & Pedestrian Improvements	In the Carlton Tract & Colonial Heights Neighborhoods construct new curb, gutter, sidewalks and curb ramps	\$368,000
TOTAL ESTIMATED CIP COSTS			\$3,068,000