



# REPORT TO COUNCIL

## City of Sacramento

# 21

915 I Street, Sacramento, CA 95814-2671  
www. CityofSacramento.org

CONSENT  
June 20, 2006

Honorable Mayor and  
Members of the City Council

**Subject:** Americans with Disabilities Act (ADA) Right-of-Way Implementation Plan –  
Approve FY 2006/07 Prospective Plan for Accessibility Improvements in the  
Public Right-of-Way.

**Location/Council District:** Citywide

**Recommendation:**

This report recommends that the City Council adopt the attached resolution approving the FY 2006/07 Prospective Plan for Accessibility Improvements in the Public Rights-of-Way, (Prospective Plan) (Exhibit A).

**Contact Persons:** Joanna Fraguli, ADA Specialist, (916) 808-5521; Theresa Arnold, Special Programs Engineer, (916) 808-5514.

**Presenters:** None

**Department:** Department of Transportation

**Division:** Engineering Services

**Organization No:** 3435

**Summary:**

The City of Sacramento settled the Barden et. al. v. City of Sacramento lawsuit effective January 1, 2004. 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. Staff has prepared a Prospective Plan and is presenting it to City Council. City Council must approve the Prospective Plan prior to its submittal to the Class Counsel on July 1, 2006.

**Committee/Commission Action:**

Staff reviewed the draft FY 2006/07 Prospective Plan of Projects with the Disability Advisory Commission (DAC) on two occasions: Initially on April 20, 2006 commission members were updated on the contents of the Annual Prospective Plan and were asked



to provide feedback and assist staff in reducing the expenditure amount to be closer aligned with the amount of the City's Annual Obligation. The DAC reviewed the draft Prospective Plan and commented that all program areas address important accessibility improvements that are essential in the full inclusion of people with disabilities. At that time the commission withheld action until the Prospective Plan (Exhibit A) was presented again in its final draft form on May 18, 2006. The Commission was informed that the Prospective Plan expenditures would not be reduced due to the magnitude of construction activities and the needs of citizens with disabilities. The Commission thanked staff for their efforts and expressed support of the proposed expenditure plan.

### **Background Information:**

The Barden Settlement Agreement (Barden) was entered into in August 2003 and became effective on January 1, 2004. A primary provision of the settlement agreement was the "Annual Obligation" under which 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 pedestrian rights-of-way. In compliance with the settlement agreement, staff prepared the draft FY 2006/07 Prospective Plan.

The City's estimated FY 2006/07 Annual Obligation is approximately \$6.5 million. Based upon current estimates, however, staff expects to have accumulated a credit of 1 million from accessibility work completed since the beginning of the Barden Agreement; thus reducing the Annual Obligation for FY 2006/07 to approximately \$5.5 million. The FY 2006/07 Prospective Plan (Exhibit A) proposes to expend \$11.7 million on several program areas. Staff recognizes that this amount is significantly over the Annual Obligation, more so than in previous years. This is partly due to the increased amount of funding that the City received to conduct street overlays over the next fiscal year. Streets that receive overlays must be retrofitted with compliant curb ramps. Therefore the City must deliver a higher than usual number of curb ramps.

In addition, the FY2006/07 Capital Improvement Program in accordance with the City's strategic goals for community livability and walkability, proposes to deliver a high number of projects focused on pedestrian improvements. In compliance with federal and state law, new construction projects must incorporate accessibility features; the cost of these features is eligible toward the amount of the Annual Obligation as it is described in Barden. Staff expects that every year there will be either an overage or shortage carried forward from the prior year. This directly correlates to the amount of growth in the Capital Improvement Program and the overall nature of delivering construction projects.

**Financial Considerations:**

The approved FY 2006/07 Capital Improvement Program budgeted approximately \$5.5 million to the Public Right-of-Way Accessibility project (PN: RG76). The remaining funds to support the Prospective Plan are included within existing Capital Improvement Program projects.

**Environmental Considerations:**

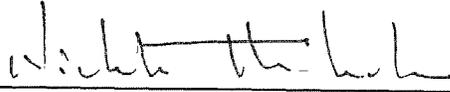
Approval of a spending plan is not subject to the provisions of the California Environmental Quality Act (CEQA) under the general rule (Section 15061(b)(3)) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Prior to final approval, each individual project will be subject to environmental review in compliance with CEQA.

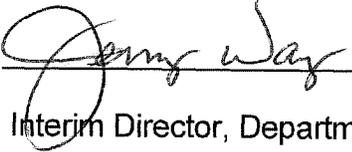
**Policy Considerations:**

Implementation of ADA accessibility programs and improvements is consistent with the City's Strategic Plan goals to enhance livability and expand economic development throughout the city.

**ESBD Considerations:**

No goods or services are being purchased.

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Interim Director, Department of Transportation

Recommendation Approved:

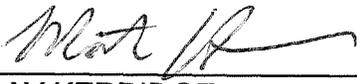
  
for RAY KERRIDGE  
City Manager

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## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **APPROVE THE FY 2006/07 PROSPECTIVE PLAN FOR ACCESSIBILITY IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY**

#### **BACKGROUND**

- A. The Barden Settlement Agreement (Barden) was entered into in August 2003 and became effective on January 1, 2004. The primary provision of the settlement agreement was the "Annual Obligation" under which 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 pedestrian 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 Counsel on July 1st, 2006.
- C. The Prospective Plan of accessibility improvements indicates an expenditure amount that greatly exceeds the Annual Obligation amount. This is partially attributed to the unusually large amount of Capital Improvement Projects expected to be completed during the FY 2006/07. In addition the Department of Transportation received additional funding to conduct street overlays that in turn trigger a larger amount of accessibility improvements. The scope of work outlined ensures that the City of Sacramento continues to comply with its federal and state accessibility requirements.

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

- 1. The FY 2006/07 Prospective Plan for Accessibility Improvements in the Public Right-of-Way is approved.
- 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 2006/07 Prospective Plan for Pedestrian Rights-of-Way Projects (2 pages)

**FY 2006/07 Prospective Plan for Pedestrian Rights-of-Way Projects**

<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.	\$4,565,600
Citizen requested curb ramps	Curb ramps installed along class members' daily path of travel upon request. Estimated 125 ramps.	\$662,500
Citizen Request / Alhambra & Broadway Retrofits	Increase access to this intersection, upgrade receiving ramps, relocate electrical and utilities pull boxes and provide wheelchair access to the island.	\$200,000
Citizen Requested Installation of Detectable Warnings at Blended Transitions	Install detectable warnings at a radius at 11 locations as requested by class members.	\$66,000
Citizen Requested Installation of Detectable Warnings at Blended Transitions on the K Street Mall / 13 <sup>th</sup> & K	Install detectable warnings at blended transitions along K Street and up to the entrance of the Sacramento Convention Center.	\$100,000
Citizen Requested Retrofits at Wyndham Pedestrian Access Ramps	Retrofit existing crossing over a bridge canal to bring into ADA compliance.	\$40,000
Non-curb ramp related Citizen Requests	Citizen requests related to crosswalks, truncated domes and audible signals.	\$100,000
Accessibility features in support of traffic investigations and Neighborhood Transportation Management Program	Estimated 50 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc.	\$265,000
3rd Party Agreement Projects	Funds to support projects developed under the Third Party MOU.	\$100,000
Developer Reimbursement of Non-Required Ramps	The City reimburses private developers for the costs of installing non-required compliant curb ramps.	\$50,000
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.	\$5,631,630
<b>TOTAL ESTIMATED COSTS</b>		<b>\$11,780,730</b>

**Specific Capital Improvement Projects with Accessibility Features**

CIP No.	Project Name	Project Description	Estimated Cost
HC06	Tower Bridge Improvements	Provide ADA compliant entry onto the sidewalk via a ramp, relocate utility cabinets to gain ADA maneuvering space and create compliant crossing across rail road tracks.	\$1,000,000
HC11	Freeport Shores Bikeway	Construction of ADA compliant bike /pedestrian path along east side and accessible pedestrian signal.	\$307,100
RR26	Pedestrian Improvement Program	Development of pedestrian facilities throughout the City such as curb, gutter, sidewalk and curb ramps where none exist.	\$400,000
SM14	24th Street and Hogan Traffic Signal	Construction of 2 new curb ramps.	\$8,620
SN31	Sidewalk Gap Closure	Construct sidewalks in various locations	\$700,000
TF07	Main Avenue Bridge Replacement	Construction of ADA compliant ramps and compliant pedestrian connections from the bridge to the sidewalk.	\$37,100
TF81	Del Paso Diagonal Parking	Construct approximately 3200 linear feet of new sidewalk, curb and gutter where it is currently non ADA compliant, replacing driveways, curb ramps and installing truncated domes.	\$924,000
TH29	7 <sup>th</sup> Street Conversion	Construction of crosswalks and curb ramps in support of the 7 <sup>th</sup> Street settlement agreement.	\$100,000
TU22	Richards Boulevard/12th and 16th Street	Installation of 22 truncated domes and over 500 linear feet of ADA compliant sidewalk.	\$178,100
TU76	West El Camino Ave. and Mill Creek Traffic Signal	Installation of 8 new curb ramps and 1,220 linear feet of compliant sidewalk	\$93,100
TU96	65 <sup>th</sup> Streetscape Improvements from Light Rail to Folsom Blvd.	Installation of about 400 linear feet of compliant sidewalk, compliant connection through RT tracks.	\$53,130
TV41	37th Street Reconstruction - S to T Street	130 linear feet of new sidewalk and 6 new curb ramps	\$22,460
TY06	65th Street Widening - 14th Ave. to 21st Ave.	2750 linear feet of new curb, gutter and sidewalk and 12 new curb ramps	\$317,500
TY51	Stockton Blvd Phase III	Construct approximately 3500 linear feet of new sidewalk, curb and gutter, where there is just dirt, ADA compliant driveways, curb ramps and truncated domes.	\$1,320,000
TZ86	8th Avenue Area Improvements	Construction of 20 new curb ramps and approximately 860 linear feet of new curb, gutter and sidewalk.	\$170,520
<b>TOTAL ESTIMATED CIP COSTS</b>			<b>\$5,631,630</b>