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ADA Programs Division

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Date: April 13, 2009
To: Mayor's Commission on Persons with Disabilities
Attn: Chris Finn, Chairperson
From: Christine Calabrese, City ADA Coordinator
Marcel Uzegbu, Supervising Civil Engineer / Right of Way Access
Coordinator, CEDA Design and Construction Services Division (DCSD)
CC: Michael J. Neary, CEDA Deputy Director
Gus Amirzehni, Principle Civil Engineer, DSCD
Vicki Laden, Supervising Deputy City Attorney
Re: Quarterly Curb Ramp Activities Report

INTRODUCTION

This report provides detailed information about City of Oakland curb ramp activities for the period beginning January 1, 2009 and ending March 31, 2009. The report includes status reports for the: 1) Curb Ramp Lawsuit (Fairfield v. Oakland); 2) Curb Ramp Transition Plan; and 3) Curb Ramp Capital Improvement Programs. The Community and Economic Development Agency (CEDA), Design and Construction Services Division (DCSD), currently administers City curb ramp programs. The City ADA Coordinator and Mayor's Commission on Persons with Disabilities (MCPD) provide oversight and guidance for City ADA compliance activities, including curb ramp programs.

BACKGROUND

ADA Title II regulations stipulate that when structural changes to facilities are necessary to achieve program accessibility, a public entity that employs 50 or more persons must develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. That plan is to identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities; describe in detail the methods that will be used to make the facilities accessible; specify the schedule for taking the steps necessary to achieve compliance; and indicate the official

responsible for implementation of the plan. In January 1996, the City prepared its transition plan with respect to buildings and facilities.

If a public entity has responsibility or authority over streets, roads, or walkways, then its ADA transition plan must include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas [28 C.F.R. § 35.150(d)(2)].

The 1996 Buildings and Facilities Transition Plan included curb ramp needs for off-street facilities and priorities for curb ramp installation at existing street corners. The Buildings and Facilities Transition Plan incorporated by reference a citywide curb ramp survey completed in 1994. Another citywide curb ramp survey was completed in 2002. The City operated robust curb ramp programs from 1996 to 2007 but no formal changes were made to the 1996 Plan. Pursuant to *Fairfield v. Oakland* (2007), the ADA Programs Division developed a separate ADA Curb Ramp Transition Plan to formalize long-standing curb ramp policies, practices and procedures and to adopt new ones as necessary to substantially comply with federal mandates.

Soon after passage of the ADA, the City recognized that it would take some time to complete a curb ramp transition plan, which requires construction of ramps at over 17,500 locations (street corners). In Fiscal Year 1990-91, the City launched the On-Call Curb Ramp Program to ensure access for people with disabilities living and working in Oakland during the lengthy transition period. The Program is currently funded by the City's ADA capital improvement program (general fund) and by Measure B gas tax revenues.

The On-Call Curb Ramp Program constructs curb ramps on an individual basis in response to requests from qualified persons with disabilities. Generally, requests come from residents with disabilities who wish to get to from their home or work place to transportation, school, medical facilities or other areas to accommodate their activities of daily living. This program installed over 900 curb ramps between 1991 and 2007.

Under the Curb Ramp Transition Plan, the City will establish a fund for curb ramp construction or reconstruction on an annual basis called the Citywide Curb Ramp Program. The following location (land use) priorities for curb ramp infill activities are based upon U.S. Department of Justice ADA Title II Regulations, the City of Oakland General Plan (1998), and best practices of other jurisdictions:

Tier 1: Transit streets and centers

Tier 2: Public facilities

Tier 3: Privately-owned public accommodations

Tier 4: Locations that do not fall into any of the above groups but are within 100 feet of a sidewalk route.

Tier 5: Locations that do not fall into any of the above groups and are greater than 100 feet from a sidewalk route. These locations are neither counted as “possible locations” nor scheduled for improvement.

STATUS REPORTS

Curb Ramp Lawsuit (Fairfield v. Oakland)

This case was filed against the County of Alameda, the City of Dublin, the City of Fremont, the City of Hayward, the City of Livermore, the City of Newark, the City of Pleasanton, the City of San Leandro, and the City of Union City as well as the City of Oakland in July 2007. Barnabus Fairfield and three other plaintiffs in the case are all wheelchair users. Each of the plaintiffs alleges that in all or some of the captioned municipalities, they were unable to traverse sidewalks at cross-streets because the cross-streets lacked any wheelchair ramps or cutouts. In each case, the sidewalks are constructed, owned and maintained by the municipality. In total, the plaintiffs claim hundreds of violations because of the cities/county failure to comply with the laws requiring sidewalks to be accessible to people with mobility impairments.

Plaintiffs’ Request for Relief:

- Order that this case be certified a class action with the plaintiffs as class representatives and their attorney as class counsel.
- Award damages of \$1,000 for each violation.
- Issue a permanent injunction requiring the defendants to adopt and enforce a policy to make their sidewalks accessible to the mobility impaired.
- Award attorney fees and costs.

A settlement between the plaintiff’s and the City was reached subject to the court’s approval. The City Attorney’s Office (OCA) has been working with the plaintiff’s attorney to formulate a stipulation and proposed order to accomplish this. The OCA anticipates that these documents will be filed with the court within in the

next 30 days. The judge has scheduled a status conference for May 5, 2009 to discuss the proposed settlement. Once the court has approved the settlement, it will be presented to the City Council for final approval.

Curb Ramp Transition Plan

The public comment period for the draft Curb Ramp Transition Plan ended on January 5, 2009 and the City ADA Coordinator has finalized the plan. The City Council Public Works Committee will consider a resolution formally adopting the Curb Ramp Transition Plan on April 28, 2009.

The Community and Economic Development Agency issued a updated On-Call Curb Ramp Policy and a Curb Ramp Grievance Procedure on December 4, 2008. Draft versions of these documents were reviewed by the Commission.

The Right of Way Access Coordinator is developing curb ramp scoping, design and construction standards that will be applicable to all public right of way improvements under the City's jurisdiction, including work performed by the City and by others (private developers, utility companies, etc.).

Curb Ramp Capital Improvement Programs

On-Call Curb Ramp Program

Staff processed 145 on-call curb ramp requests between July 2008 and March 2009. All 145 ramps will be constructed under contract number C269130. One hundred and two (102) of the 145 ramps are complete. The remaining 43 requests will be completed within the 180 days requirement. These locations, costs, and number of ramps for the remaining 43 requests are shown in the table below:

On-Call Curb Ramp Program Pending Request Summary

Request Date	Ramp Number	Ramp ID	STREET 1	STREET 2	No. of Ramps	Cost
1/22/09	102	A421	8 th Street	MADISON ST	1	\$2,000
2/02/09	103	A418	8 TH ST	MADISON ST	1	\$2,000
2/02/09	104	A602	9 TH ST	MADISON ST	1	\$2,000
2/02/09	105	A416	8 TH ST	MADISON ST	1	\$2,000
2/02/09	106	A603	9 TH ST	MADISON ST	1	\$2,000
2/02/09	107	A605	9 TH ST	MADISON ST	1	\$2,000
2/02/09	108	C480	49 TH ST	WEBSTER ST	1	\$2,000
2/09/09	109	C477	49 TH ST	WEBSTER ST	1	\$2,000

Request Date	Ramp Number	Ramp ID	STREET 1	STREET 2	No. of Ramps	Cost
2/10/09	110	C478	49 TH ST	WEBSTER ST	1	\$2,000
2/14/09	111	C479	49 TH ST	WEBSTER ST	1	\$2,000
2/14/09	112	C2038	FOREST ST	SHAFTER ST	1	\$2,000
2/14/09	113	C2036	FOREST ST	SHAFTER ST	1	\$2,000
2/14/09	114	C2112	HUDSON ST	BOYD AVE	1	\$2,000
2/14/09	115	C2122	COLLEGE AVE	MANILLA AVE	1	\$2,000
2/14/09	116	C2039	FOREST ST	SHAFTER ST	1	\$2,000
2/24/09	117	C2125	COLLEGE AVE	HUDSON ST	1	\$2,000
2/26/09	118	C2126	COLLEGE AVE	MANILLA AVE	1	\$2,000
2/27/09	119	C2127	COLLEGE AVE	MANILLA AVE	1	\$2,000
2/27/09	120	C2123	COLLEGE AVE	MANILLA AVE	1	\$2,000
2/27/09	121	B780A	MANDELA PKWAY	16 TH ST	1	\$2,000
2/27/09	122	B597	26 TH ST	CHESTNUT ST	1	\$2,000
3/02/09	123	B355	28 TH ST	CHESTNUT ST	1	\$2,000
3/10/09	124	B354	28 TH ST	CHESTNUT ST	1	\$2,000
3/10/09	125	B595	28 TH ST	CHESTNUT ST	1	\$2,000
3/10/09	126	B596	28 TH ST	CHESTNUT ST	1	\$2,000
3/10/09	127	B352	28 TH ST	FILBERT ST	1	\$2,000
3/10/09	128	B592	28 TH ST	FILBERT ST	1	\$2,000
3/10/09	129	B591	28 TH ST	FILBERT ST	1	\$2,000
3/10/09	130	B353	28 TH ST	LINDEN ST	1	\$2,000
3/10/09	131	B593	28 TH ST	LINDEN ST	1	\$2,000
3/16/09	132	B594	28 TH ST	LINDEN ST	1	\$2,000
3/17/09	133	B350	28 TH ST	MYRTLE ST	1	\$2,000
3/18/09	134	B351	28 TH ST	MYRTLE ST	1	\$2,000
3/19/09	135	B589	28 TH ST	MYRTLE ST	1	\$2,000
3/19/09	136	B590	28 TH ST	MYRTLE ST	1	\$2,000
3/19/09	137	B362	26 TH ST	MYRTLE ST	1	\$2,000
3/19/09	138	B363	26 TH ST	MYRTLE ST	1	\$2,000
3/19/09	139	B601	26 TH ST	MYRTLE ST	1	\$2,000
3/19/09	140	B602	26 TH ST	MYRTLE ST	1	\$2000
3/20/09	141	B360	26 TH ST	FILBERT ST	1	\$2000
3/20/09	142	B361	26 TH ST	FILBERT ST	1	\$2,000
3/20/09	143	B600	26 TH ST	FILBERT ST	1	\$2,000
3/20/09	144	B359	26 TH ST	LINDEN ST	1	\$2,000
3/20/09	145	B599	26 TH ST	LINDEN ST	1	\$2,000
						\$86,000

Additionally, the following Curb Ramps will be upgraded with domes:

Ramp ID	Street1	Street 2	Cost
C2120	College Avenue	Manila Avenue	\$1,600
C2121	College Avenue	Manila Avenue	\$1,600
B357	26 th ST	Chestnut ST	\$1,600
B358	26st ST	Linden ST	\$1,600
	Total Cost		\$6,400

Citywide Curb Ramp Program (Corridor Improvements)

Existing Contracts: There are existing public right of way improvement contracts that have resulted in curb ramp construction as shown in table below. These contracts include, but are not limited to street resurfacing projects, sidewalk projects, and streetscape projects.

Current Curb Ramp Related Projects				
Contract Number	Expected Number of Curb Ramps	Number of Curb Ramps Installed to Rate	Percent of Project Complete	Contact Type
G212730	25	9	90%	Sidewalk Project
C269110	18	18	70%	Sidewalk Project
C269130	160	102	82.6%	Sidewalk Project
C269160A	10		74%	Sidewalk Project
C234910	95	95	100%	April 2008-Resurfacing
C269160B	15	0	2%	Sidewalk Project
G287610	76	76	100%	Summer 2007-Resurfacing
TOTALS	399	171		

New Contracts: The City on January 29, 2009 completed the bidding to construct 260 curb ramps. The contract (C316310) is scheduled for Public Works Committee on May 12, 2009 and to City Council a week after. If approved the contract will be awarded to AJW Construction and construction is anticipated to commence in May 2009.

On February 19, 2009, a bid for sidewalk construction contract was completed. Part of the contract will require construction of 90 curb ramps in the residential areas.

Also, the City is anticipating receiving federal Economic Stimulus Funds for curb ramp construction and sidewalk repair. It is also anticipated that Stimulus funds will be received for street resurfacing. Both projects will result in the construction or upgrade of curb ramps within prioritized corridors or within resurfaced streets as shown in the table below.

The City continues to upgrade and construct new curb ramps during resurfacing, Private Development, on call sidewalk and streetscape projects.

Future Curb Ramp Related Projects				
Project Number	Expected Number of Ramps	Unit Cost	Total Cost	Schedule/Status
C316310-In Residential Areas and corridors	260	1500	\$390,000	Summer 09- Curb Ramp Project; City Council Approval April 09
C317510 in Residential Areas	90	1800	162,000	Summer 09- Sidewalk/Curb Ramp Project; City Council Approval April 09
G123456-Stimulus for sidewalk and curb ramps in prioritized corridors	330	1500	\$495,000	Fall 09-Sidewalk and Curb Ramp Project
G339610-Five-year resurfacing street	88	2000	\$176,000	Summer 09-Resurfacing
G-stimulus for Resurfacing- Five-year resurfacing street	162	1500	\$243,000	Contract award 9/09-resurfacing
Totals	930		\$1,466,000	