

CITY OF OAKLAND

AGENDA REPORT

2009 APR 16 AM 8:48

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: ADA Programs Division
DATE: April 28, 2009

RE: **A Resolution Adopting the City of Oakland Americans with Disabilities Act (ADA) Curb Ramp Transition Plan**

SUMMARY

The attached document satisfies the federal mandate that the City develop an ADA transition plan for curb ramps. The Curb Ramp Transition Plan (*Attachment A*) is a companion piece to the ADA Transition Plan for Buildings and Facilities (1996) and supersedes Section 3.9 therein pertaining to curb ramp construction priorities. The Curb Ramp Transition Plan incorporates by reference the current City Curb Ramp Database. Staff recommends that the City Council approve the attached resolution adopting the City of Oakland ADA Curb Ramp Transition Plan dated April 1, 2009.

FISCAL IMPACT

No new fiscal obligation is anticipated. State and federal curb ramp construction and reconstruction requirements have been integrated into public works projects since the late 1980's and curb ramps are routinely budgeted in City right-of-way improvement programs. The Curb Ramp Transition Plan will require that the City construct or reconstruct, on average, at least 500 curb ramps annually. This is a conservative goal, considering that the City is currently required to construct more than that number of curb ramps annually under its combined right-of-way improvement programs (street resurfacing, sidewalk repair, etc.). The City has operated the On-Call Curb Ramp Program since 1991 using general fund monies and state gas tax revenues. The On-Call Program constructs curb ramps on an individual basis in response to requests from qualified persons with disabilities. The On-Call Program constructs approximately 150 curb ramps per year at an estimated cost of \$300,000.

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

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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 this 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.

KEY ISSUES AND IMPACTS

The statistics contained in the Curb Ramp Transition Plan were compiled from a Geographic Information System (GIS) survey and database that was specially developed for the City of Oakland in October 2002 (updated in August 2008) to capture curb ramps constructed or permitted by the City since October 2002. The City Curb Ramp Database shows that, of August 2008, 5972 (34%) of a total of 17,776 possible locations (street corners) have ADA compliant curb ramps, 8,535 (48%) of possible locations have no curb ramp(s) and 3,269 (18%) have non-compliant curb ramps. At the planned average rate of 650 new or reconstructed ramps per year (500 by the City / 150 by others), it would take 29 years to complete the curb ramp plan.

Number of Ramps Needed and Cost Estimate as of August 2008

	Total Locations	Dual Ramp Multiplier*	Total Ramps Needed	Cost Per Ramp	Cost Estimate
New Construction (No Ramp)	8,535	1.5	12,803	\$2,500	\$32 million
Reconstruction (Non-compliant)	3,269	1.8	5,884	\$2,500	\$15 million
TOTALS	11,804		18,687		\$47 million

* Two curb ramps at the same return in certain locations, provided that traffic controls allow for a safe path of travel in both directions and conditions permit the construction of dual ramps.

SUSTAINABLE OPPORTUNITIES

Economic: Adoption of the ADA Curb Ramp Transition Plan could, in the long term, reduce the City's exposure to claims associated with accessibility limitations from non-compliant sidewalks.

Improved sidewalks enhance the appearance of commercial and residential corridors and are commonly associated with higher property values.

All public works contracts require the payment of prevailing wages. Prevailing wages offer a livable wage rate for workers and contribute to an increased quality of life. Project funds should turn over within the community and help to stimulate the City's economic base. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. In addition, sidewalks in good condition enhance the vitality of a community.

Environmental: The contractor will recycle removed concrete and asphalt to the extent possible.

Social Equity: Curb ramp improvements to the City's sidewalk network will promote equal access for all pedestrians and encourage use of public transit, especially by frail seniors and people with disabilities.

DISABILITY AND SENIOR CITIZEN ACCESS

Construction and reconstruction of curb ramps improves pedestrian access for frail seniors and people with disabilities. Further, curb ramp activities are required by state and federal disability laws and regulations. The Curb Ramp Transition Plan mitigates ADA barriers within pedestrian routes and thereby supports Oakland's ongoing effort to achieve broad ADA compliance.

RECOMMENDATIONS AND RATIONALE

Title II of the ADA requires that the City develop a transition plan for curb ramps. *Fairfield v. Oakland* (2007) alleges that the City does not have an adequate curb ramp compliance program. Adopting and implementing a formal ADA Curb Ramp Transition Plan, one that is submitted to the court for review, will help insulate the City from future claims of ADA non-compliance pertaining to curb ramps. An active Curb Ramp Transition Plan Program will help the City avoid potentially substantial costs of damages and attorneys fees awarded during the course of litigation. A formal Curb Ramp Plan will provide staff with prioritization, scheduling and tracking guidelines and will be a ready resource for federal and state transportation grant applications.

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The City should construct or reconstruct, on average, 500 or more curb ramps annually in order to keep pace with a thirty-year compliance schedule. This schedule is consistent with curb ramp transition plans developed by other California cities, most notably the City of Sacramento. The City should install curb ramps at all locations, including mid-block crosswalks, where they are missing and necessary for access to sidewalks and should replace existing non-conforming curb ramps as defined under the Plan.

The City should continue its policy of installing curb ramps upon request by qualified individuals with disabilities at locations not otherwise scheduled and budgeted for improvement, and these on-call requests should have the highest priority. The City should establish a program for curb ramp construction and reconstruction called the Citywide Curb Ramp Program and should adopt the following prioritization for activities under this program:

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.

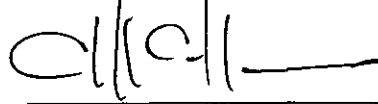
Selection of curb ramp locations should target and emphasize strategic planning of multiple block segments or entire "corridors" to optimize use of available funding in mitigating ADA non-compliance.

The Community and Economic Development Agency Deputy Director over Design and Construction Services should designate a Public Right of Way Access Coordinator responsible for implementation of the Plan and for producing reports required under the Plan.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the attached resolution adopting the final ADA Curb Ramp Transition Plan.

Respectfully submitted,

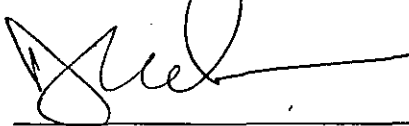


Christine Calabrese
City ADA Coordinator
City Administrator's Office
ADA Programs Division

Reviewed by:
Michael Neary, P.E.
Deputy Director
Community and Economic Development
Design & Construction Services Department

Attachment A: Curb Ramp Transition Plan

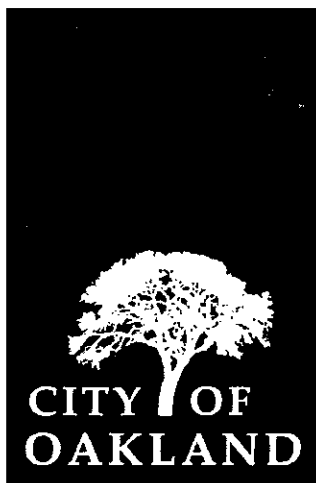
APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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**CITY OF OAKLAND, CALIFORNIA
ADA CURB RAMP TRANSITION PLAN**



ADA PROGRAMS DIVISION

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510-238-2007 (TTY)
adaprograms@oaklandnet.com

April 1, 2009

ATTACHMENT A
Public Works Committee
April 28, 2008

This document will be made available in alternative formats upon request

Please contact:

City ADA Coordinator

510-238-5219 (Voice)

510-238-2007 (TTY)

adaprograms@oaklandnet.com

ACKNOWLEDGEMENTS

City of Oakland Administration

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City Attorney John Russo
City Auditor Courtney Ruby
Council President Jane Brunner (District 1)
District 2 Council Person Pat Kernighan
District 3 Council Person Nancy Nadel
District 4 Council Person Jean Quan
District 5 Council Person Ignacio De La Fuente
District 6 Council Person Desley Brooks
District 7 Council Person Larry Reid
Council Member at Large Rebecca Kaplan
Interim City Administrator Dan Lindheim
City Clerk LaTonda Simmons

ADA Curb Ramp Transition Plan Team

Christine Calabrese, City ADA Coordinator, City Administrator's Office
Michael J. Neary, Community and Economic Development Agency Deputy Director
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Marcel Uzegbu, Supervising Civil Engineer, CEDA Engineering and Design
Jason Patton, Bicycle and Pedestrian Program Manager, CEDA Transportation Services
Kendra Scalia, ADA Program Analyst II, City Administrator's Office
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ADA Advisory Group

The Mayor's Commission on Persons with Disabilities (MCPD) acts as the City's designated advisory body for ADA compliance. February 2009 Roster:

Commissioner Petrina Alexander
Commissioner Lynne Cutler
Commissioner Lori Ann Dotson
Commissioner Chris Finn
Commissioner Lateef McLeod
Commissioner Bill Pelter
Commissioner Tamar Raine
Commissioner Lorraine Rosenblatt
Commissioner Safi wa Nairobi

CREDITS

The City of Oakland acknowledges the City of Sacramento, California, for its pioneering efforts in developing a comprehensive transition plan for curb ramps. Sacramento's curb ramp plan provided a strong basis for Oakland to work from when developing this plan and certain of Sacramento's curb ramp policies are adopted herein.

CITY OF OAKLAND
ADA Curb Ramp Transition Plan



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APPENDICIES

1. ADA - Final Rules, Title II, July 26, 1991 (incorporated by reference)
2. City Curb Ramp Database (incorporated by reference)

ATTACHMENTS (Available Upon Request)

1. Contact List (of interested parties consulted during the public comment period)
2. ADA Curb Ramp Grievance Procedure
3. On-Call Curb Ramp Policy
4. City of Oakland Curb Ramp Prioritization Map

1.1 INTRODUCTION TO THE ADA

The Americans with Disabilities Act (ADA), the world's first comprehensive civil rights law for people with disabilities, was enacted on July 26, 1990. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA does not specifically name all of the impairments that are covered.

The ADA is divided into five parts, covering the following areas:

Title I: EMPLOYMENT

Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Title II: STATE AND LOCAL GOVERNMENT (PUBLIC SERVICES)

Title II covers all activities of state and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, such as public meetings, employment, recreation programs, aging, health and human services programs, libraries, museums, and special events.

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings and facilities. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that

1.1 INTRODUCTION TO THE ADA

doing so would fundamentally alter the nature of the service, program, or activity being provided. A transition plan is intended to outline the methods by which physical or structural changes will be made to effect the non-discrimination policies described in Title II. It is under this title that the Curb Ramp Transition Plan is prepared.

Title III: PUBLIC ACCOMMODATIONS

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

Title IV: TELECOMMUNICATIONS

This Title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public, to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title V: MISCELLANEOUS PROVISIONS

This title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney’s fees, and technical assistance provisions.

1.2 CITY RESPONSIBILITIES UNDER TITLE II OF THE ADA

Title II mandates that a public entity such as the City of Oakland operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety is readily accessible to and usable by individuals with disabilities. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to government agencies that receive federal financial assistance.

Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of the ADA. The regulations detailing compliance requirements were issued in July 1991. A self-evaluation is required and intended to examine activities and services, to identify and correct any that are not consistent with the ADA. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The ADA also requires that a transition plan be prepared, to describe any structural or physical changes required to make programs accessible.

As described in Title 28 of the Code of Federal Regulations, Section 35.150(a) (also referred to as the ADA Rules), a public entity is not necessarily required to make each of its existing facilities accessible to and usable by individuals with disabilities. Nor does it require a public entity to take any action that would threaten or destroy the historical significance of an historic property. If the public entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, or cause undue financial and administrative burdens, it is not required to make that particular modification.

1.3 THE ADA TRANSITION PLAN REQUIREMENT

In the event that structural changes to facilities will be undertaken 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.

In addition to those requirements set forth above, in the event a public entity has responsibility or authority over streets, roads, or walkways, the transition plan is to 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 City's ADA Curb Ramp Transition Plan addresses these latter requirements for curb ramps, or other sloped areas, limited to public sidewalks within the City's control. The Plan complements the City's ADA Transition Plan for Buildings and Facilities (1996) and supersedes Section 3.9 therein pertaining to priorities for curb ramp installation at existing street corners. The Plan incorporates by reference the City Curb Ramp Database.

The ADA does not designate a specific code or standard for curb ramps to be provided or modified pursuant to 35.150 (d)(2). Title II gives government agencies a choice between the Uniform Federal Access Standards (UFAS) and the American with Disabilities Act Accessibility Guidelines (ADAAG) as a standard for renovations. For the purpose of the Curb Ramp Transition Plan, each curb ramp or curb ramp site is evaluated based on the requirements of ADAAG.

1.4 ADA COMPLIANCE COORDINATORS

The Community and Economic Development Agency (CEDA), Design and Construction Services Division (DCSD), currently administers City curb ramp improvement 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 improvement programs.

The official responsible for implementation of the City's ADA Transition Plan with respect to curb ramps, is the Right of Way Access Coordinator, located in DCSD. The CEDA Deputy Director shall designate the Right of Way Access Coordinator. The current designee is:

Mr. Marcel Uzegbu
Supervising Civil Engineer
Engineering, Design and Right-of-Way Management
250 Frank H. Ogawa Plaza, 4th Floor
Oakland, CA 94612
510-238-6257
muzegbu@oaklandnet.com

The official responsible for citywide compliance with ADA Title II requirements is the City ADA Coordinator, located in the City Administrator's Office. The City ADA Coordinator staffs the MCPD and is responsible to draft the City's ADA Transition Plans. The City Administrator designates the City ADA Coordinator. The current designee is:

Ms. Christine Calabrese
City ADA Coordinator
City Administrator / ADA Programs
One Frank H. Ogawa Plaza, 3rd Floor
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510-238-4754
ccalabrese@oaklandnet.com

1.5 PUBLIC COMMENT AND GRIEVANCE PROCEDURES

The City has provided opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Curb Ramp Transition Plan by submitting comments and making specific recommendations.

On October 13, 2008, the Mayor's Commission on Persons with Disabilities (MCPD) approved a draft of the Plan by a motion of the full commission. A draft copy of the Plan was available for public inspection from December 1, 2008 through January 5, 2009. A list of interested parties consulted during the public comment period is contained in Attachment 1. The City will maintain on file a list of persons consulted with respect to the Plan, the surveys, and a description of modifications made, for a minimum period of 3 years beyond the formal adoption of this document.

The City has adopted and published grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. The City's ADA Curb Ramp Grievance Procedure and related forms are contained in Attachment 2.

Complaints of alleged noncompliance and grievances concerning curb ramps should be directed to the Right of Way Access Coordinator in the Community and Economic Development Agency (see Section 1.4).

1.6 MONITORING AND TRACKING

The Right of Way Access Coordinator shall:

- Coordinate inspection of 8-10% of curb ramp installations to ensure that curb ramps are constructed or reconstructed properly and within acceptable tolerances;
- Prepare a quarterly curb ramp activities report for the Mayor's Commission on Persons with Disabilities (MCPD) in conjunction with the City ADA Coordinator, who staffs the MCPD. Quarterly reports shall be published in January, April, July and October of each year, for a minimum period of 3 years beyond the formal adoption of this document;
- Prepare an annual curb ramp program report for a neutral monitor selected by the City for a minimum period of 3 years beyond the formal adoption of this document; and
- Ensure that all curb ramps installed by the City or by others (under permit) are logged in the City Curb Ramp Database.

2.0 OTHER CITY TRANSITION PLAN PARTS

This transition plan relates solely to curb ramps. (ADA Rules, Section 35.150 (d)(2).)

2.1. Buildings and Facilities Transition Plan

The City previously prepared and implemented a transition plan with respect to City buildings and facilities in 1996. (ADA Rules, Section 35.150 (d)(3).) The transition plan for buildings and facilities lists curb ramp needs at off-street facilities. A copy of the ADA Transition Plan for Buildings and Facilities may be obtained from the City ADA Coordinator (see Section 1.4).

2.2. Sidewalk Transition Plan

In 2002, the United States Court of Appeals for the Ninth Circuit, whose jurisdiction includes California, held for the first time that sidewalks constitute a service, program or activity of a city and sidewalks are therefore subject to the ADA title II program accessibility regulations. *Barden v. Sacramento*, 292 F.3d 1073 (9th Cir.2002). Before this ruling it was unclear if local government transition plans should address barrier removal from sidewalks, other than missing or unsafe curb ramps.

The City is drafting a ADA transition plan that catalogs, prioritizes, and schedules improvements necessary to remove sidewalk access barriers. The Citywide Sidewalk Condition and ADA Survey (2006) inventoried access barriers including sidewalk damage, tree-related barriers (low wells, hanging limbs), obstructions, excessive travel direction and cross slopes, and sudden drop-offs. A land use was attributed to each survey segment (city block). This Geographic Information System (GIS) based inventory provides a detailed picture of non-compliance and allows for targeted use of funds earmarked for sidewalk improvements.

The City has had in place for many years a sidewalk repair program, which utilizes specific criteria for determining whether or not a sidewalk requires repair, including the condition of the sidewalk. City inspectors are available to inspect sidewalks to determine if repairs are necessary, either upon request by a property owner or any concerned citizen. Persons with disabilities may contact the City's Right of Way Access Coordinator with any questions or to schedule a sidewalk inspection (see Section 1.4).

3.0 CURB RAMP PLAN

3.1. Introduction

The ADA requires that a public entity include in its transition plan a schedule for the installation of curb ramps or other sloped areas at locations where pedestrian walks (sidewalks) cross curbs. The purpose of this section is to summarize curb ramp needs in the City of Oakland and to outline the recommended procedures for the prioritization, implementation and scheduling of remedial work to provide ADA complying curb ramps for public sidewalks (only those within the City's control).

3.2. Curb Ramp Inventory

The statistics contained in this transition plan were compiled from a Geographic Information System (GIS) database specially developed for the City of Oakland. The City Curb Ramp Database was developed in October 2002 upon completion of a citywide inventory of over 17,500 possible locations (street corners). The database was updated in August 2008 to capture curb ramps constructed or permitted by the City since October 2002.

The complete curb ramp database is quite large and could not feasibly be included in the text of the Transition Plan. The database is available for public inspection at the office of the Community and Economic Development Agency (CEDA), Engineering, Design and Right of Way Division—3 business day advance notice is requested. Please contact the Right of Way Access Coordinator (see Section 1.4).

3.3. Curb Ramp Standards

Curb ramps shall be installed at all locations, including mid-block crosswalks, where they are missing and necessary for access to sidewalks. Although the ADA does not specifically mandate replacement of all existing curb ramps that may not reflect new construction standards (as described in Federal Register, Volume 56, No. 144, ADA Rules and Regulations, Section 35.150), non-conforming curb ramps will be replaced under this plan. A high priority is to reconstruct curb ramps at locations where existing ramps have a condition that may impede a path of travel to a City program or activity. Examples are vertical displacement of the curb ramp, broken or cracked concrete, deteriorated conditions, steep slopes, narrow widths, high gutter lips, and offset locations.

City curb ramp standards shall meet or exceed current federal, state and local accessibility regulations and standards. The Right of Way Access Coordinator is responsible to develop and update City standards for curb ramp construction and reconstruction. Copies of the City's standard curb ramp details are available from the ADA Public Right of Way Coordinator (see Section 1.4).

3.0 CURB RAMP PLAN

3.4. Priorities for Curb Ramp Construction and Replacement

The City's is endeavoring to ensure equal access to the public right of way (sidewalks and crosswalks) for pedestrians with disabilities by identifying all areas of potential deficiency and by making necessary structural improvements. The assignment of priorities for curb ramp construction and reconstruction is intended to guide the selection of locations, to incorporate federal guidance, and to address specific concerns of the local disability community.

The priorities for curb ramp construction and replacement are grouped into three classifications. The first classification and highest priority is requests by qualified persons with disabilities. The second classification evaluates the specific curb ramp with respect to its physical location within the city and to predominating land uses adjacent to the curb ramp location. The third classification evaluates the curb ramp with respect to its physical attributes.

Priority Classification One: Requests from Qualified Persons with Disabilities

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. This 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.

The City will continue its policy of installing curb ramps upon request by qualified individuals with disabilities at locations not otherwise scheduled and budgeted for improvement. These requests will have the highest priority. The City will set aside funds for on-call curb ramp requests on an annual basis in an amount consistent with prior year demand. The City's On-Call Curb Ramp Policy and related forms are provided in Attachment 3.

3.0 CURB RAMP PLAN

Priority Classification Two: Curb Ramp Location Priorities

From 1991 to 2004, the City received funding commitments and spent approximately \$3.5 million for construction of over 1,600 curb ramps. Funding was provided primarily by the Federal Highway Administration (FHWA), through the Intermodal Surface Transportation Efficiency Act (ISTEA) and subsequently the Transportation Equity Act for the 21st Century (TEA-21). Matching funds were provided by the City through a number of sources—primarily Measure B Sales Tax and Transportation Development Act, Article 3 (TDA) funds. Curb ramp locations were selected using surveys conducted by the City in 1984 and 1994; priorities set forth in the City's ADA Buildings and Facilities Transition Plan, Section 3.9; and input from the MCPD. In a separate project targeting curb ramps in proximity of transit stops, the City spent approximately \$100,000 in FY 1999-00 to install an additional 112 ramps.

The City will establish a program for curb ramp construction and reconstruction 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.

Curb Ramp Location Priorities

Tier 1: Transit streets and centers ¹

- A. Regional transit streets (60 foot buffer);
- B. Transit centers (1,000 ft. buffer)²;
- C. Local transit streets (60 foot buffer)³.

Tier 2: Public facilities (with 60 foot buffer unless otherwise noted)

- A. City buildings (city offices, museums, libraries, senior centers, recreation centers, fire stations, etc.);
- B. State and county buildings, including county medical centers;
- C. Schools (community colleges; high school, junior high and elementary school programs with magnet programs for children with disabilities; and all other public schools);

¹ Land Use and Transportation Element of the Oakland General Plan (1998)

² BART stations; Amtrak (Jack London Square); Eastmont Transit Center, and Oakland/Alameda Ferry

³ Hegenberger/73rd Ave, College Ave, Bancroft Ave, Park Blvd, 23rd Ave, 35th Ave, 40th St.

3.0 CURB RAMP PLAN

(cont.)

- D. Large public housing (OHA) sites and critical homeless services;
- E. City parks and open space;
- F. East Bay Regional parks and open space (100 foot buffer);
- G. Other public facilities (reserved).

Tier 3: Privately-owned public accommodations⁴ (60 foot buffer)

- A. Commercial zoning areas (C1-xx) and Kaiser (KX) — (with an emphasis on doctor, medical and health offices; service sites of disability organizations; and major employment sites);
- B. Special zoning areas limited to medical centers not listed above (S1); transit oriented development (S15); and housing and business mix (HBX1-3);
- C. Medium to high density housing and high rise apartments (R50 – R90);
- D. Other public accommodations (reserved).

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.

⁴ Zoning designations are per the City of Oakland General Plan and Zoning Map, January 2008
City of Oakland
ADA Curb Ramp Transition Plan
February 2009

3.0 CURB RAMP PLAN

Priority Classification Three: Curb Ramp Attributes

This attribute classification will be used in conjunction with the location prioritization above. It sets priorities for curb ramp construction and replacement based upon lack of ramps and physical condition and placement of existing curb ramps, with one being the top priority, and five being the lowest priority.

1. The highest priority is to reconstruct curb ramps at locations where existing curb ramps have a condition that may impede a path of travel to a City program or activity. Examples are vertical displacement of the curb ramp, broken or cracked concrete, deteriorated conditions, steep slopes, narrow widths, high gutter lips, and offset locations.
2. A new curb ramp will be installed at locations without a curb ramp, where required in order to provide access to a sidewalk. (This priority may be used in place of priority number 1 to provide a continuous path of travel.)
3. When utility conflicts, physical barriers or other constraints exist at a location, a curb ramp will be reconstructed where required in order to provide access to a sidewalk.
4. To the maximum extent practicable, an existing curb ramp will be reconstructed when it does not meet current federal or state standards.
5. When a curb return has one existing curb ramp and conditions allow for the construction of an additional curb ramp at the same return, and provided that traffic controls allow for a safe path of travel, an additional curb ramp will be installed where required in order to provide access to a sidewalk.

3.0 CURB RAMP PLAN

3.5. Annual Schedule for Curb Ramp Construction and Reconstruction

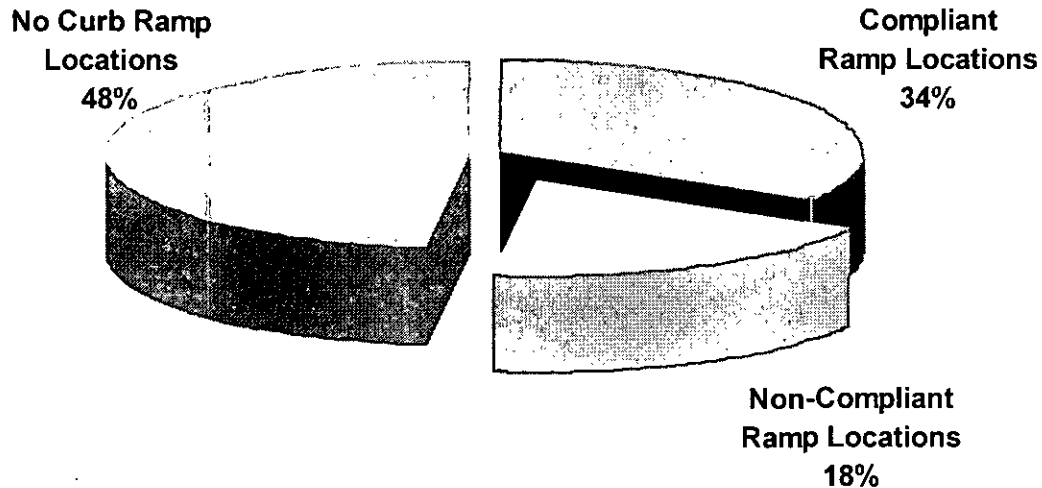
The City of Oakland has committed itself to the following schedule and methods for the annual construction or reconstruction of curb ramps:

1. The City of Oakland will construct or reconstruct, on average, 500 or more curb ramps annually until the City is ADA compliant.
 - Approximately 100 of these curb ramps will be at locations requested by persons with disabilities (on-call program).
 - At least 50 of these curb ramps will be at locations where streets have been overlayed between 1992 and 2008, until all required curb ramps have been constructed or reconstructed at those locations. To the extent practicable, the City will follow the priorities set forth above when installing curb ramps along streets that have been overlayed during this time period, and all other curb ramps will be installed according to those priorities.
 - Curb ramps will be installed on an infill basis (Citywide Curb Ramp Program) as funding allows.
 - Curb ramps must be installed where streets are overlayed with new asphalt surfacing.
 - Curb ramps will be installed or reconstructed as required under other City street improvement projects.
 - Curb ramps located adjacent to City facilities will be constructed or reconstructed as part of projects to improve these facilities, where applicable.

2. Additionally, the City anticipates that an average of 150 curb ramps per year will be constructed or reconstructed in the public right of way by others:
 - Curb ramps will be constructed or reconstructed as a condition of private development.
 - The State of California has installed curb ramps along the portions of state highways that have recently been repaved. More curb ramps may be installed along state highways in the City in conjunction with future improvement of these facilities.
 - Utility companies are required to install new curb ramps at corners where they excavate.

3.0 CURB RAMP PLAN

3.6. Status and Cost Estimate for Curb Ramp Plan as of August 2008



As of August 2008, the curb ramp database showed that about 5972 (34%) of a total of approximately 17,776 possible locations (street corners) have ADA compliant curb ramps. About 8,535 (48%) of possible locations have no curb ramp(s) and about 3,269 (18%) have non-compliant ramps.

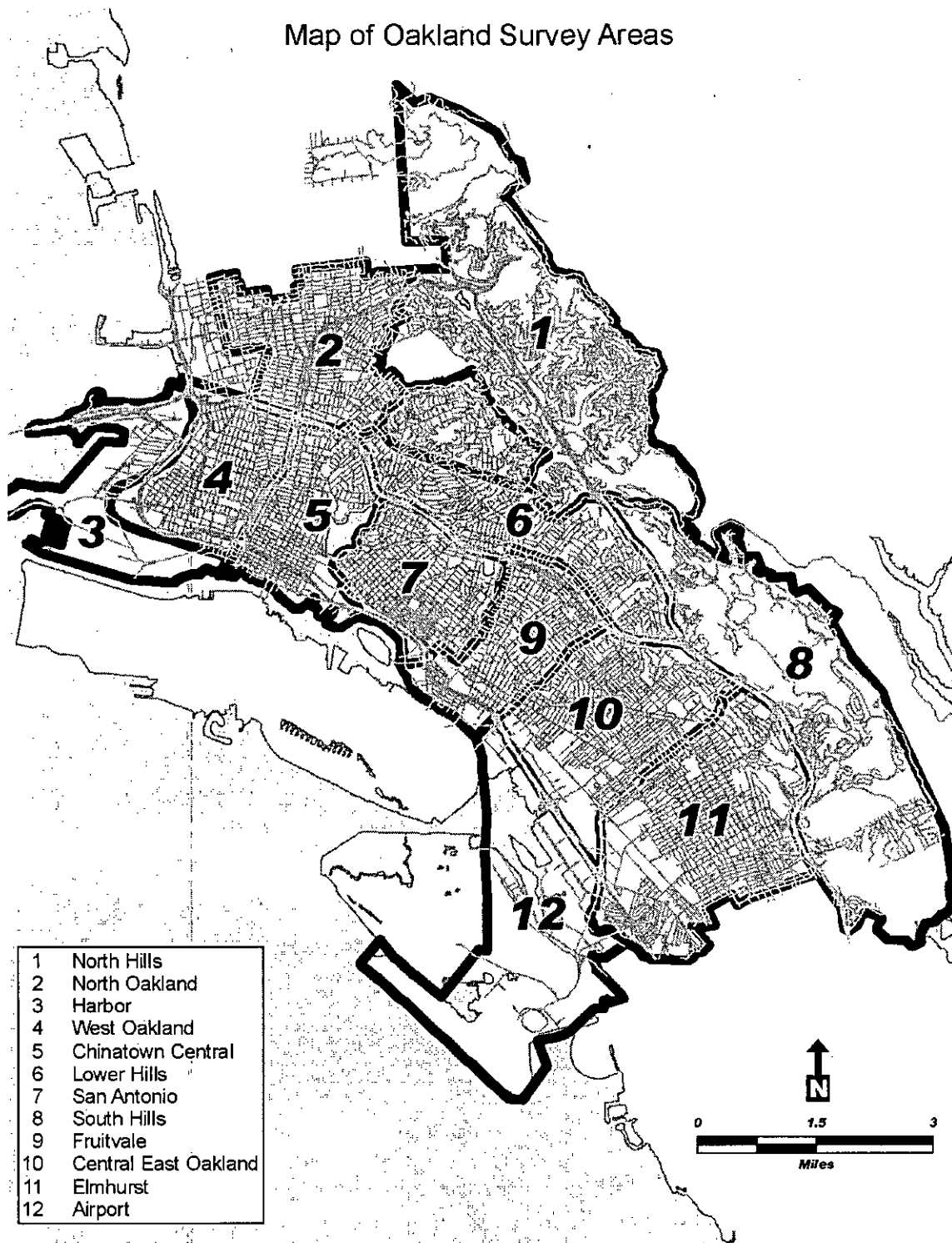
Number of Ramps Needed and Cost Estimate as of August 2008

	<u>Total Locations</u>	<u>Dual Ramp Multiplier</u>	<u>Total Ramps Needed</u>	<u>Cost Per Ramp</u>	<u>Cost Estimate</u>
New Construction (No Ramp)	8,535	1.5	12,803	\$2,500	\$32 million
Reconstruction (Non-compliant)	3,269	1.8	5,884	\$2,500	\$15 million
TOTALS	11,804		18,687		\$47 million

At the planned rate of 650 new or reconstructed ramps per year, it would take 29 years to complete the curb ramp plan.

3.0 CURB RAMP PLAN

3.7. Statistical Summaries from the City Curb Ramp Database



3.0 CURB RAMP PLAN

Curb Ramp Summary by Survey Area as of August 2008

Survey Area	Possible Locations ¹	Compliant Ramp ²	No Ramp ³	Non-compliant Ramp ⁴
1. North Hills	606	61	515	30
2. N Oakland	2292	992	800	500
3. Harbor	65	17	26	22
4. W Oakland	1524	638	349	537
5. Downtown*	1627	618	314	695
6. Lower Hills	1808	552	1158	98
7. San Antonio	2082	545	1190	347
8. South Hills	795	144	584	67
9. Fruitvale	1586	565	707	314
10. E Oakland	2153	553	1282	318
11. Elmhurst	2846	958	1556	332
12. Airport	147	85	54	8
13. Not Assigned	<u>245</u>	<u>244</u>	<u>0</u>	<u>1</u>
Totals	17776	5972	8535	3269

*Chinatown/Central

Notes:

1. Number of Possible Locations by Survey Area
2. Number of ADA Compliant Ramp Locations (Curb Ramps to be Retained by the City) by Survey Area
3. Number of No Curb Ramp Locations (Where New Curb Ramps Will be Constructed) by Survey Area
4. Number of Non-Compliant Ramp Locations (Where Existing Curb Ramps Will Be Replaced) by Survey Area

3.0 CURB RAMP PLAN

Curb Ramp Status by Land Use Area as of August 2008

Land Use Area	Possible Locations ¹	Compliant Ramp ²	No Ramp ³	Non-Compliant Ramp ⁴
Tier 1: Transit Facilities	3633	2026	575	1031
Tier 2: Public Facilities	1657	535	765	359
Tier 3: Public Accommodations	6275	1931	3017	1327
Tier 4: Other	<u>6211</u>	<u>1480</u>	<u>4178</u>	<u>552</u>
Totals	17776	5972	8535	3269

Notes:

1. Number of Possible Locations by Land Use (Tiers 1-4)
2. Number of ADA Compliant Ramp Locations (Curb Ramps to be Retained by the City) by Land Use (Tiers 1-4)
3. Number of No Curb Ramp Locations (Where New Curb Ramps Will be Constructed) by Land Use (Tiers 1-4)
4. Number of Non-Compliant Ramp Locations (Where Existing Curb Ramps Will Be Replaced) by Land Use (Tiers 1-4)

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 16 AM 8:48

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION ADOPTING THE CITY OF OAKLAND AMERICANS WITH DISABILITIES ACT (ADA) CURB RAMP TRANSITION PLAN DATED APRIL 1, 2009

WHEREAS, Title II of the Americans with Disabilities Act (ADA) requires public entities to develop a transition plan setting forth the steps necessary to complete structural changes where needed to achieve program accessibility; and

WHEREAS, the ADA transition plan must 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; and

WHEREAS, 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; and

WHEREAS, the City has provided opportunities for interested persons, including individuals with disabilities or organizations representing persons with disabilities, to participate in the development of the ADA Curb Ramp Transition Plan by submitting comments and making specific recommendations; and

WHEREAS, the statistics contained in the Plan were compiled from a Geographic Information System (GIS) survey and database that was specially developed for the City of Oakland in October 2002 and updated in August 2008 to capture curb ramps constructed or permitted by the City since October 2002; and

WHEREAS, the City Curb Ramp Database shows that, of August 2008, 5972 (34%) of a total of 17,776 possible locations (street corners) have ADA compliant curb ramps, 8,535 (48%) of possible locations have no curb ramp(s) and 3,269 (18%) have non-compliant curb ramps; and

WHEREAS, implementation of the Plan will increase accessibility for people with mobility impairments and reduce liability associated with ADA non-compliance claims; and

WHEREAS, The ADA Curb Ramp Transition Plan complements the City's ADA Transition Plan for Buildings and Facilities (1996) and supersedes Section 3.9 therein pertaining to priorities for curb ramp installation at existing street corners, and

WHEREAS, in order to fulfill ADA compliance mandates; now therefore be it

RESOLVED: The City of Oakland adopts the ADA Curb Ramp Transition Plan dated April 1, 2009; and be it

FURTHER RESOLVED: The Community and Economic Development Agency Deputy Director over Design and Construction Services shall designate a Public Right of Way Access Coordinator responsible for implementation of the Plan and for producing reports required under the Plan; and be it

FURTHER RESOLVED: The City will construct or reconstruct, on average, 500 or more curb ramps annually until it is ADA compliant; and be it

FURTHER RESOLVED: The City shall install curb ramps at all locations, including mid-block crosswalks, where they are missing and necessary for access to sidewalks and shall replace existing non-conforming curb ramps as defined under the Plan; and be it

FURTHER RESOLVED: The City will continue its policy of installing curb ramps upon request by qualified individuals with disabilities at locations not otherwise scheduled and budgeted for improvement and these on-call requests will have the highest priority; and be it

FURTHER RESOLVED: The City will establish a program for curb ramp construction and reconstruction called the Citywide Curb Ramp Program and adopt the following prioritization for activities under this program:

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; and be it

FURTHER RESOLVED: That selection of curb ramp locations will target and emphasize strategic planning of multiple block segments or "corridors" to optimize use of available funding in mitigating ADA non-compliance.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California