


City Attorney

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OAKLAND

2009 APR 16 AM 8:48

OAKLAND CITY COUNCIL

RESOLUTION No. 81954 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, MAY 5 2009, 2009

PASSED BY THE FOLLOWING VOTE:

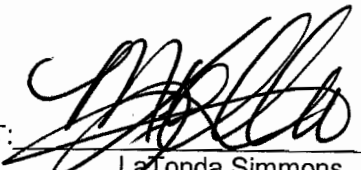
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~ROSS~~, and PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

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