

CITY OF OAKLAND



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Date: September 21, 2015
To: Mayor's Commission on Persons with Disabilities (MCPD)
From: Kevin Kashi, Supervising Civil Engineer, Right of Way Management Division, Oakland Public Works(OPW)
CC: Mike Neary, Assistant Director, Bureau of Engineering & Construction, OPW
Gus Amirzehni, Engineering, Design, and Right-of-Way Manager, OPW
Christine Calabrese, ADA Programs Division Manager, OPW
Sherri Rita, Acting ADA Projects Coordinator, OPW
Re: **DRAFT Annual Curb Ramp and Sidewalk Repair Activities Report: July 1, 2014-June 30, 2015**

INTRODUCTION

This draft report provides information about the City's curb ramp and sidewalk repair activities for the fiscal year beginning July 1, 2014 and ending June 30, 2015 pursuant to the City's ADA Curb Ramp Transition Plan, Sidewalk Repair Program, and through the construction/reconstruction of curb ramps and sidewalks as part of City projects or by private developers.

Oakland Public Works Department (OPW), Bureau of Engineering and Construction (BEC), administers the City's curb ramp and sidewalk repair programs. The Right of Way Management (ROWM) Division in BEC is responsible for developing curb ramp standards that will be applicable to all public right of way improvements under the City's jurisdiction, including work performed by the City and others (private developers, utility companies, etc.). ROWM administers the City's on-call and infill (corridor) curb ramp construction and sidewalk repair budgets, inspects curb ramp and sidewalk construction by the City or others, and maintains the City's curb ramp and sidewalk Geographic Information System (GIS) database.

The ADA Programs Division in BEC develops citywide ADA policy, including the ADA Curb Ramp Transition Plan (2009) and Sidewalk Repair Program, and provides direct support, technical assistance, and monitoring for BEC right-of-way access compliance activities. The Mayor's Commission on Persons with Disabilities (MCPD) acts as the City's designated ADA advisory body and receives regular Curb Ramp and Sidewalk Repair activities reports from ROWM.

CURB RAMP and SIDEWALK REPAIR PROGRAM TIMELINE

The City began installing curb ramps in 1976 in response to Section 504 of the Rehabilitation Act of 1973. Access California, located in the office of the City Manager, completed a curb ramp survey in 1984. The survey identified priority intersections for curb ramp construction. The report was the product of a thorough public input and review process and was the source of curb ramp priorities through 2004. From 1976 to 1989, 1,694 curb ramps were constructed. The Sidewalk Repair Program fixed city sidewalks that were damaged by City trees and coordinated the repair of sidewalks otherwise damaged.

The Americans with Disabilities Act of 1990 required public entities to develop a transition plan for removing physical obstacles in buildings and facilities that prevent persons with disabilities from accessing programs and services. Similarly, the ADA required the development of a plan for making the public right of way accessible, giving priority to paths of travel leading to state and local government offices, transportation, places of public accommodation, and employment.

Soon after passage of the ADA, the City recognized that it would take some time to construct or reconstruct the 17,000 curb ramps at the locations that were deemed to require them at that time.

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 general fund and state gas tax funds. 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 accommodate their activities of daily living.

In January 1996, the City prepared its transition plan with respect to buildings and facilities. 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 these programs were not memorialized in the 1996 Plan.

Pursuant to *Barden v. City of Sacramento* (2002), which established that public entities are responsible for the maintenance and construction of sidewalks in their jurisdiction so that they are readily accessible and usable by persons with disabilities, the City commenced a comprehensive survey of its 1,100 miles of sidewalks. This survey was completed in 2007 and served as the basis for the revamped Sidewalk Repair Program priorities, adopted by Council resolution in 2009.

Also in 2009, in response 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. The ADA Curb Ramp Transition Plan was adopted by Council resolution on May 5, 2009.

In 2013, OPW adopted the latest State of California, Department of Transportation (Caltrans) Standard Plans and Details for all ADA features such as curb ramps, disabled parking zones, and passenger loading zones constructed or reconstructed in the public right of way under the City's control or jurisdiction.

CURB RAMP PROGRAM PRIORITIES

Under the Curb Ramp Transition Plan, the City anticipated the installation or reconstruction of an average of 500 curb ramps via city projects, and an additional 150 curb ramps on average as a result of private development. Requests for curb ramps from persons with disabilities at locations not otherwise scheduled for improvement that are received through the On-Call Program receive first priority under the Plan.

Approximately 100 of the curb ramps to be constructed or reconstructed annually are in response to these on-call requests. In addition to responding to requests from persons with disabilities, the City conducts curb ramp infill activities using a corridor-based approach.

The following location (land use) priorities for curb ramp infill activities set forth in the Transition Plan 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.

In addition to implementing the Curb Ramp Transition Plan and administering the longstanding On-Call Curb Ramp Program, the City conducts various capital improvement programs under which curb ramps are constructed or reconstructed, involving streetscaping, street resurfacing, and sidewalk repair projects. Curb ramp construction and reconstruction and sidewalk repairs are also completed through private improvements inspected by City staff. It is City policy to require all four corners of intersections affected by new construction or alterations to be inspected and brought into compliance with current curb ramp standards. A list of City projects and the number of curb ramps planned or completed for Fiscal Years 2014-15 and 2015-16 can be found in **Tables 3 and 5**, below.

Finally, curb ramps are constructed or repaired as needed in order to install or remediate disabled parking zones in residential or non-residential locations under the on-call curb ramp program.

Date: September 21, 2015

Re: Annual Curb Ramp Activities & Sidewalk Repair Program Report

Shortly after the passage of the ADA, 17,500 curb ramp locations were identified; by the time the Curb Ramp Transition Plan was adopted in 2009, 18,687 locations had been identified. As of June 30, 2015, there are now a total of 18,261 known potential locations; the reduction in number since the adoption of the 2009 Curb Ramp Transition Plan is due to the fact that the inventory included undeveloped areas in the Oakland Hills; these areas are now excluded from the current inventory.

The methodology for accounting for curb ramp locations depends upon location and conditions. Certain street corners will accommodate dual (two) directional ramps and will be counted as two locations. Other street corners will accommodate only one diagonal or directional ramp due to obstructions, and will be counted as one location.

SIDEWALK REPAIR PROGRAM PRIORITIES

Under the 2009 Sidewalk Repair Program, the City established the following criteria for prioritizing corridors for repairing the City's estimated 1,100 miles of sidewalk:

Tier Number 1: Transit streets and corridors

Tier Number 2: Corridors with the highest density of public facilities

Tier Number 3: Corridors with the highest density of privately owned public accommodations

Tier Number 4: Other areas (including residential)

Of the available funds for sidewalk repairs, 50% is dedicated to the above priorities, 10% is dedicated to liability reduction, and 40% is dedicated to selected lower-priority damages.

The City also manages the Notice to Repair (NTR) program which requires private property owners to make sidewalk repairs adjacent to their properties when the damage is not caused by a City tree. This program issues a notice to property owners and if the owners fail to respond, the City undertakes the repairs and seeks reimbursement from the property owner, or, if that fails, a lien on the property.

NEW DEPARTMENT OF TRANSPORTATION AND ADA TRANSITION PLAN UPDATE

The Fiscal Year 2015-17 policy budget establishes a new Department of Transportation which is intended to "envision, plan, build, operate, and maintain a transportation system for the City of Oakland-in partnership with local transit providers and other agencies-which provides safe, equitable, and sustainable access and mobility for residents, businesses, and visitors."

The placement and management of the Curb Ramp and Sidewalk Repair Programs and other Public Works-managed disability access programs may be revisited as part of the creation of this new Department. ADA Programs Division will be working to ensure that the Department of Transportation complements or enhances all programs affecting access in the public right of way.

Another development that will affect the curb ramp and sidewalk repair programs is the city-wide ADA Transition Plan update that is commencing Fiscal Year 2015-16. Phase I of this update will involve a needs assessment and evaluation of all programs responsible for implementing the ADA in the City's buildings, facilities, and right of way, and developing a new policy framework for cross-program coordination and prioritization. Phase II will involve updating the City-wide asset inventory, including its sidewalks and curb ramp locations, to assist with developing new annual goals, planning for funding, and a timeline for curb ramp and sidewalk repair and construction.

This Commission will receive regular briefing on both the new Department of Transportation and progress towards updating the City's ADA Transition Plan from the ADA Programs Division in the coming months, and will play a critical role in facilitating public input, particularly from the disability community, on policy and program proposals.

STATUS OF CURB RAMP TRANSITION PLAN, JULY 2014-JUNE 2015

The total budget for curb ramps in Fiscal Year 2014-15 was set at \$660,000. These funds derive from the following source: Fund 2211 Measure B, ADA 30-year Transition Plan. For FY 2015-17, \$900,000 has been allocated for the Curb Ramp Transition Plan implementation, and increase resulting from the recent passage of Measure BB. Priorities will be Park Boulevard, San Pablo Avenue corridors, DPZ's as directed by the traffic engineer, and designated curb ramps along the Bus Rapid Transit (BRT) project. The Curb Ramp Transition Plan specifically identified Park Boulevard as a Tier 1 transit street and center; the San Pablo Avenue and BRT corridors similarly fall within the Tier 1 transit street priority.

Staff continues to complete work pursuant to curb ramp requests from qualified residents with disabilities within the 180 day timeline established by the On-Call policy. As part of investigating requested locations, necessary sidewalk repairs are also identified and included in the work.

In early 2014, ROWM developed new GIS mapping tools for tracking curb ramp inventory and making updates to curb ramp locations. Since this GIS database was based on data collected in 2002, ROWM anticipates a new survey of street and sidewalk conditions will be a key component of the City's impending update to the Buildings and Facilities Transition Plan and the creation of a new Public Right of Way Access Transition Plan. This latter new plan will bring together curb ramp, sidewalk and other right of way improvement priorities into one coherent policy so that each of these elements to making the right of way accessible are addressed in tandem.

Findings set forth in the City of Oakland's 2014 Infrastructure Report will also impact planning and priorities for the City going forward. At current funding levels and with an average cost of \$2000 per curb ramp, it is estimated that the City can complete its entire curb ramp system in 18 years. To complete the work at once would require adding \$27 million to what is currently allocated.

STATUS OF SIDEWALK REPAIR PROGRAM, JULY 2014- JUNE 2015

In Fiscal Year 2014-15, the Sidewalk Repair Program was funded at \$300,000; funding comes from by Measure B, Citywide Sidewalk Repairs. FY 2015-17 doubles this amount as a result of the recent passage of Measure BB.

Of the approximately 1,100 miles of sidewalk in Oakland, about 84% of the sidewalks are in satisfactory condition and the remaining 16% need repairs at a cost of \$28 million for City related damage (City trees) and \$60 million for private damage.

As with the On-Call Curb Ramp Program, the City completes sidewalk repairs requested by qualified residents with disabilities within 90-180 days. In addition to responding to on-call requests for sidewalk repairs, sidewalk repairs are conducted as part of curb ramp construction. A typical curb ramp project yields approximately 21,000 square feet in sidewalk construction.

CURB RAMP ACTIVITIES JULY 2014 THROUGH JUNE 2015

The tables on the following pages contain data provided by OPW Right of Way Management in July 2015 to summarize its curb ramp and sidewalk repair activities through June 2015. The data presented herein should be reviewed with the following considerations in mind:

- Numbers may not reflect current field conditions or include all curb ramps constructed or reconstructed or sidewalks repaired to date as surveying and data collection is ongoing.
- The total number of curb ramps reported represent only confirmed locations. There is typically a lag time between the time curb ramps are constructed and the time they are reported and confirmed.
- Curb ramp locations identified as compliant are those that were deemed visually compliant as of 2002 or where curb ramps have been constructed or reconstructed since 2002; locations identified as non-compliant (non-existent or deteriorated curb ramps) includes locations that were considered visually non-compliant as of the 2002 survey.

Citywide Curb Ramp Construction FY 2014-2015

Attachment A lists the locations of the 642 curb ramps that were upgraded or replaced over the last fiscal year. This includes 29 new curb ramps.

Curb ramp standards and requirements continue to change since the City's 2002 survey was completed. This survey indicated the number of intersection corners that may be suitable for curb ramps, as well as curb ramps that were compliant or non-compliant at that time. At this point, the 2002 curb ramp survey inventory is useful to record curb ramp upgrades and installations

Table 1: Summary of Curb Ramps Constructed or Reconstructed Annually Since 2009

Fiscal Year	City	Others	Total
2008-2009	300	216	566
2009-2010	435	140	575
2010-2011	553	6	559
2011-2012	478	0	478
2012-2013	501	23	524
2013-2014	590	0	590
2014-2015	642	0	642
Total	3515	385	3950

Table 2: Seven-Year Summary, FY 2008/09-FY 2014/15

Required Number of Curb Ramps to be Constructed FY 2008/09-FY 2014/15 (as per 2009 Curb Ramp Transition Plan)	FY 2008/09-FY 2014/15 Total Curb Ramps Constructed/Reconstructed	Difference
4,550	3950	- 600

Table 3: Completed Curb Ramps under Various Projects

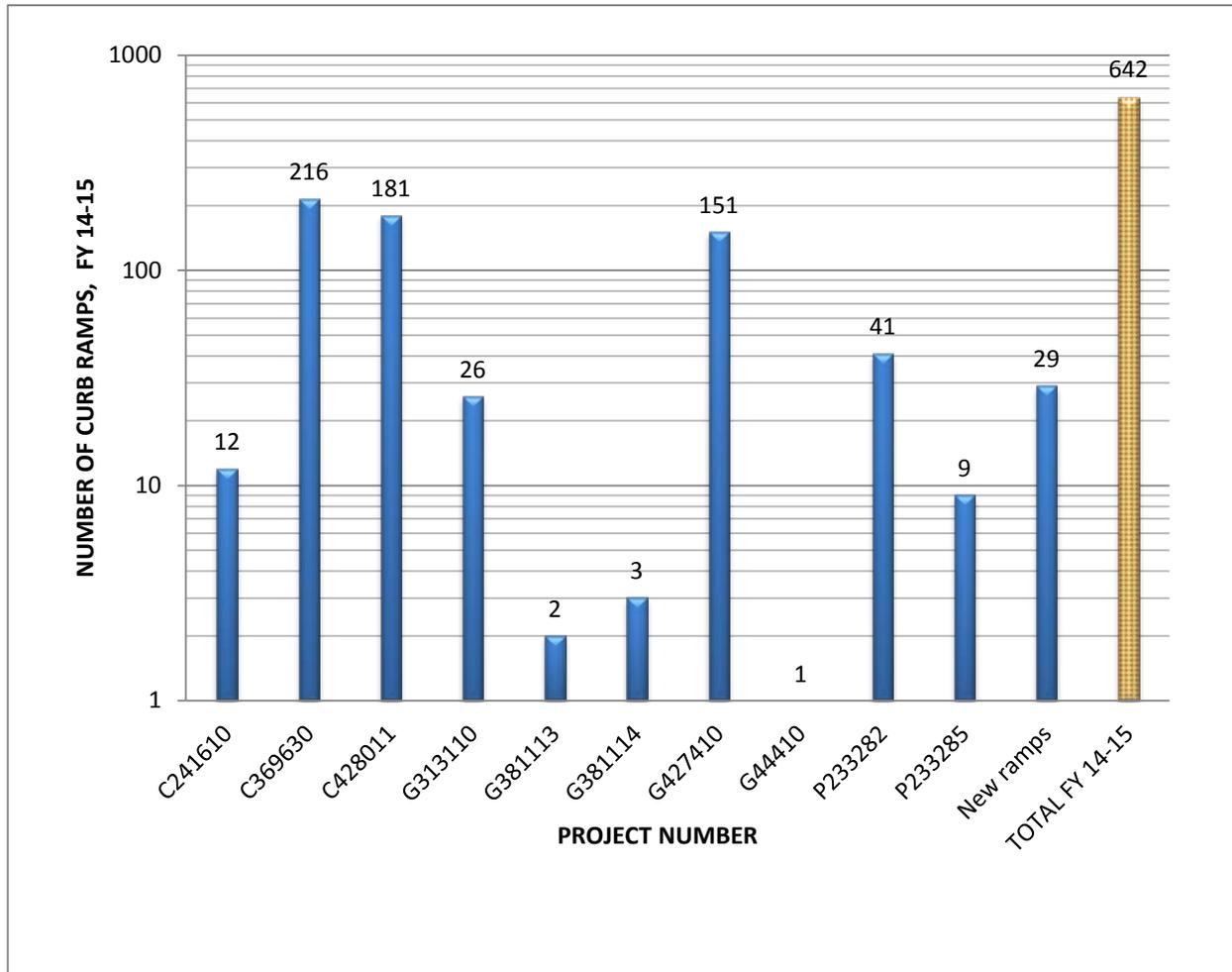


Table 4: Priority One Disabled Passenger Zone Curb Ramps FY 2014-2015**

DPZ Location	Cross Street	Location Details
52nd St.	Telegraph Ave.	Oakland Library Temescal Branch
42nd St	Linden St	Linden Park Playground
11th St	Alice St.	Lincoln Square
14th St. EB	Oak St.	Oakland Public Library
8th St.	Madison	Madison Park
8th St.	Oak St.	Lake Merritt BART
International Bl.	7th Ave.	Clinton Square
14th St. WB	Oak St.	Lake Merritt
Franklin St.	15th St.	AC Transit
Harrison St.	17th St.	Oakland Housing Authority
MLK Jr. Way	14th St.	African American Museum
Washington St.	6th St.	Alameda County Public Defender
4th St.	Washington St.	Oakland Police Department
El Embarcadero	Grand Ave.	Lakeview Branch Library
Washington St.	5th St.	Alameda County Public Defender
18th St.	Adeline St.	W. Oak Library
33rd St,	West St.	H. Tubman Child Ctr.
Park Blvd.	Beaumont Ave.	Library

*** Priority One Disabled Passenger Zone locations are existing blue zones (to be constructed prior in FY 15-16) that are not served by compliant curb ramps or that must be relocated to be compliant.*

Table 5: In-Progress Curb Ramp Construction

Fund #	Project #	Project Description	# of Ramps Proposed	Est. unit Cost	Curb Ramp Budget	Construction Start Date	Status as of 6/30/2015
Fund 2140	C369510	Caldecott Tunnel Area Improvement (Broadway from Golden Gate to Kay overcrossing)	2	\$3,500	\$7,000	September-15	Award of contract
Caltrans DOT	C369520	Broadway, Keith, Golden Gate pedestrian improvement	11	\$3,500	\$38,500	September-15	Award of contract
Measure B -ACTIA	C476510	Citywide resurfacing	530	\$3,500	\$1,855,000	August-16	Planning & design
Measure B -ACTIA	C427720	Citywide preventive resurfacing phase I					
Measure B -ACTIA	C427730	Citywide pavement rehabilitation					
Federal Project HSIPL-5012-117	C468210	W. McArthur from Market to Telegraph	10	\$3,500	\$35,000	February-16	Design
Federal Project HSIPL-5012-118	C468220	98th Ave. and D street, 98th Ave. at various locations	5	\$3,500	\$17,500	February-16	Design
Federal Project HSIPL-5012-119	C468230	Market Street at 57th Street and Adeline	13	\$3,500	\$45,500	February-16	Design
Federal Section 130 Grant	C459010	Ca 130 Grade Crossing Improvements	8	\$3,500	\$28,000	July-15	Construction
Measure DD, DOT	C277110	Lake Merritt Channel at 10th Street	8	\$3,500	\$28,000	June-16	Construction

Table 5: In-Progress Curb Ramp Construction, Continued

Fund #	Project #	Project Description	# of Ramps Proposed	Est. unit Cost	Curb Ramp Budget	Construction Start Date	Status as of 6/30/2015
Measure B ACTIA / DOT	G121810	Embarcadero Bridge Replacement	3	\$3,500	\$10,500	September-16	Construction
ORA	C435410	Foothill Blvd - Phase II	23	\$3,500	\$80,500	June-16	Construction
ORA	C429610	Foothill / Seminary street improvement	23	\$3,500	\$80,500	December-15	Construction
ORA	P400210	Foothill/ High/ Melrose street improvement	19	\$3,500	\$66,500	December-15	Construction
2163	P414210	Peralta / MLK street improvement	50	\$3,500	\$175,000	August-16	Design
Caltrans DOT	G381114	Fruitvale Sidewalk improvements	3	\$3,500	\$10,500	July-15	Construction
Prop 1C	C366920	Coliseum Transit Village - Street Improvements on Snell from 69th to 71st Ave; on Lion Way from 70th to 71st Ave	4	\$3,500	\$14,000	June-15	Construction
ORA	P402310	Street Improvements on 14th Ave from E 8th St to E 27th St	30	\$3,500	\$105,000	December-16	Construction
State Dept. of housing and community	C464540	Street rehab. 17th street between Castro , Lakeside, Jackson	27	\$3,500	\$94,500	August-15	Construction
Measure B-ACTIA	C428011	Citywide Curb Ramp and Sidewalk Repair	250	\$3,500	\$875,000	August-14	Construction
Measure B-ACTIA	C428012	Citywide Curb Ramps and Sidewalk Repair	280	\$3,500	\$980,000	March-15	Construction
		Total Estimated FY 2015-16:	1299		\$2,467,500		

CONCLUSION

In 2014-2015, the City exceeded the average annual goal of 650 curb ramps per year as set forth in the 2009 Curb Ramp Transition Plan without accounting for private construction. However, the City is approximately 1 year behind in the total number of curb ramps that should have been constructed or reconstructed to date since 2009. With the additional funding in both the repaving and curb ramp programs, curb ramp construction should be slightly accelerated in FY 2015-17.

The Curb Ramp Transition Plan and the City's On-Call Curb Ramp Program, along with the ADA Sidewalk Repair program, continue to be the main vehicles for making access improvements in the public right of way. Additional improvements are included as a matter of course in other capital improvement projects and are required of private development. The curb ramp and sidewalk inventory will be updated pursuant to the revamp of the City's ADA Transition Plan, which is underway. This effort, along with the establishment of the new Department of Transportation, will provide a new framework for continuing the City's prioritization of projects that improve Oakland's public right of way so that it is accessible to all users.