

In a move that could trigger changes in nearly every California city, a federal appeals court ruled recently that the city of Sacramento must make sidewalks safer for those with disabilities.

A group, citing the Americans with Disabilities Act, had sued the city of Sacramento, claiming that cracks caused by protruding tree roots, overgrown bushes and other sidewalk obstructions did not meet ADA compliance. The case was thrown out, but the 9th U.S. Circuit Court of Appeals reinstated the lawsuit last week.

That lawsuit could set a statewide precedent that would make city and local government officials responsible for all sidewalks within city limits. Current ADA rules dictate that sidewalks must have handicapped access at corners, but if the federal ruling stands, the city of Sacramento would also have to watch all sidewalks for any obstacles that might hinder disabled residents.

Such a ruling could quite possibly influence changes in other cities in the state, though Lodi city officials did not think it would affect Lodi.

"I don't think it will have a great deal of effect because Lodi has a very active program with regard to curbs," City Attorney Randy Hays said. "The argument was an esoteric one over whether sidewalks are part of ADA compliance, and Sacramento decided to test that."

The city of Lodi has had no ADA suits filed against it, he said.

Sidewalk maintenance is an ongoing project for the city, and public works director Richard Prima said the city has been trying to bring the sidewalks into ADA compliance for at least 10 years.

"Years ago we did a survey of how many corners there are in town that don't meet requirements, and there are a lot of them," he said, speculating that the number was in the thousands.

The city's efforts to fix sidewalk ramps and improve corner access for the disabled have not gone unnoticed by some Lodi residents.

Charlie Selkirk, who uses a white-tipped cane when walking, said she has had no trouble with the sidewalks and appreciates the ridges at the corners.

"The tip of the cane serves as your eye so you can see what's coming; it's like another set of eyes," she said.

Similarly, several people at the Loel Senior Center said they have no troubles with the sidewalks.

"They're good. Once in a while, you see where tree roots have pushed (the sidewalk) up, but you just have to watch out for those spots," said Lodi resident Pat Floyd.

Access to Lodi sidewalks is being improved with the aid of Community Development Block Grants, provided through federal funding.

The grant money goes toward service-oriented programs or "bricks and mortar" improvement, such as the access to sidewalks for the disabled, Community Improvement Manager Joseph Wood said.

This year, the city received \$745,000, down from the previous year's total of \$767,000. That money is then distributed to eligible applicants, including the city's public works department, which is in charge of sidewalk repair.

"Usually we have enough money to get it to all the eligible applicants. This is the first year we had to turn away some of them," Wood said.

However, the City Council, which approves the allocation of the funding, adopted a policy this past year decreeing that priority be given to maintenance and capital improvement programs, rather than service-oriented ones.

"You're building something; you have a tangible project out there to show where this funding went," Wood said.

This year alone, \$200,000 of that money has gone toward improving handicapped access to the sidewalks. That is double the amount of money given to the program in past years, but Prima said it would still take decades to update all the sidewalks.

In the meantime, many Lodi sidewalks still have inadequate access for the disabled. And the sidewalks themselves, which would also have to be maintained if the lawsuit is upheld, need even more improvements. Cyndee Nevis comes to a dead end on a city sidewalk. (Jerry R. Tyson/News-Sentinel)

Cyndee Nevis is restricted to using a motorized wheelchair, but she can't travel along Washington and Kettleman without riding on the grass or in the street. She doesn't mind taking her chair through the grass along Kettleman, but when her 75-year-old mother accompanies her, they stay off the uneven surface.

"It's too difficult for her and for me," Nevis said.

The city replaced the sidewalks in Nevis' neighborhood a year ago, but there are still two problems: The ramp from the street to the sidewalk is too steep for Nevis' wheelchair, and the sidewalk abruptly ends one house-length from the corner.

When Dial-a-Ride comes to take her to the movie theater, Nevis can't wheel her electric chair down her own driveway without the aid of a ramp provided by Dial-a-Ride. And if she wants to enjoy the afternoon sun on a trip around the block, she cannot use the sidewalk, as it doesn't extend the full length of the street.

"They just poured this sidewalk on both sides of the road last year. I don't know why they didn't do the corners," Nevis' mother, Mary Nevis, said.

Lodi resident Anna Hjalmer, who also uses a wheelchair, wants to see more done to the sidewalks, just as the judge who upheld the Sacramento lawsuit reasoned that improving access would do nothing if the sidewalks themselves were in disrepair.

Hjalmer said the tree roots cause problems, and portions of sidewalk that have been patched are noticeable to wheelchair users.

"I wish I could put some city official in a wheelchair so they could see how us people with disabilities feel," Hjalmer said.

The Sacramento case is still pending, and the city may either ask the 9th Circuit to reconsider its decision or take the issue to the Supreme Court.

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