

1 [Resolution urging the City of Sacramento to withdraw its petition to the U.S. Supreme Court
2 seeking to overturn a decision finding that access to sidewalks is within the program access
3 requirements of Title II of the Americans with Disabilities Act of 1990.]

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5 **Court seeking to overturn a decision finding that access to sidewalks is within the**
6 **program access requirements of Title II of the Americans with Disabilities Act of 1990.**
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8 WHEREAS, In *Barden v. City of Sacramento*, 292 F.3d 1073, the U.S. Court of Appeal
9 for the Ninth Circuit held that public sidewalks are a service, program, or activity of a local
10 government and therefore subject to the requirements of Title II of the Americans with
11 Disabilities Act of 1990; and,

12 WHEREAS, The City of Sacramento is planning to petition the U.S. Supreme Court
13 seeking to overturn the Ninth Circuit's decision; and,

14 WHEREAS, The City of Sacramento is urging cities throughout California and across
15 the United States to join the petition; and,

16 WHEREAS, The City and County of San Francisco has long been in the forefront in its
17 proactive approach to providing access to individuals with disabilities; and,

18 WHEREAS, Sidewalk obstructions, as well as cracked and broken sidewalks, may
19 pose significant access and safety problems to persons with a variety of disabilities, including
20 those with mobility and sensory impairments; now, therefore, be it

21 RESOLVED, That the City and County of San Francisco urges the City of Sacramento
22 to withdraw its petition to the U.S. Supreme Court seeking to overturn the decision in *Barden*
23 *v. City of Sacramento*.
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