

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.]

4 **Resolution urging the City of Sacramento to withdraw its petition to the U.S. Supreme**
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.**

7
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*.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 022001

Date Passed:

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

December 16, 2002 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin,
Sandoval

Absent: 2 - Daly, McGoldrick

File No. 022001

I hereby certify that the foregoing Resolution
was ADOPTED on December 16, 2002 by the
Board of Supervisors of the City and County
of San Francisco.

Gloria L. Young
Clerk of the Board

DEC 20 2002

Date Approved

Mayor Willie L. Brown Jr.