



Commission on Disability

ACTION CALENDAR

April 12, 2005

To: Honorable Mayor and  
Members of the City Council

From: Commission on Disability

Subject: Encroachment Permit: U.C. Pedestrian Bridge over Hearst Avenue (Foothill Bridge)

RECOMMENDATION

Approve the application from the University of California for the encroachment permit to build a pedestrian bridge over Hearst Avenue near La Loma Avenue.

FISCAL IMPACTS OF RECOMMENDATION

There will be no direct costs incurred by the City, associated with this permit. Depending upon negotiations, the University may pay an additional fee to the City beyond the normal permit fee

CURRENT SITUATION AND ITS EFFECTS

The University completed the Foothill Student Housing complex in 1988 with the intention of having a bridge between the two buildings on Hearst Avenue, in order to provide a usable and equitable path of travel for students with and without disabilities. The bridge was never built, with the result that the University is now out of compliance with Americans with Disabilities Act (ADA) and causing students with disabilities wishing to live in this complex to travel over one-half of a mile simply to get across the street and in order to eat dinner or pick up their mail.

While it is unclear what the City's legal obligation is to grant the University the necessary encroachment permits, not doing so may in fact be a violation of the ADA, by being a direct cause of the University's discrimination against students with disabilities. Despite recent editorials in local newspapers, there are valid reasons why students may wish to live on the North side of campus, such as simply being close to their area of study, not across campus from their peers and advisors.

This is not primarily a safety issue, it's an issue concerning equality and opportunity for students with disabilities to live where they want, the same as all of the other students on campus. Having a safe and accessible route across Hearst Avenue is important, but it pales when compared with allowing the University to meet the mandates of the ADA, a law that Berkeley has consistently supported since its signing almost 15 years ago.

BACKGROUND

At its March 2004 meeting, the Commission on Disability unanimously passed a motion (Rodolfo-Sioson/Arellano Aye: unanimous) to request that the Department of Public Works grant the encroachment permit and further that the City Council pass the resolution from Public Works granting the encroachment needed for construction of the bridge. The Commission feels its action was not adequately represented in the various reports related to the Foothill Bridge up to this point.

The original plans for these dormitories called for a bridge to be built when the buildings were constructed in 1988. Since that time, the ADA was passed, requiring the University to make its programs and services accessible to people with disabilities. The University has tried in the past to obtain the necessary permits and approvals to construct the bridge, all to no avail. These dorms remain inaccessible; a situation that could be easily remedied.

RATIONALE FOR RECOMMENDATION

Foothill Student Housing offers a proximity to a portion of campus not available from other student housing located on the South side of the campus

ALTERNATIVE ACTIONS CONSIDERED

No feasible alternatives to the bridge exist.

CONTACT PERSON

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Approved:



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Ed Gold, Chair, Commission on Disability