

**NOTICE OF PROPOSED CLASS ACTION
SETTLEMENT AND HEARING**

**ATTENTION: INDIVIDUALS WITH VISUAL AND/OR MOBILITY
DISABILITIES WHO USE PEDESTRIAN RIGHTS
OF WAY IN THE CITY OF SACRAMENTO**

****PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS****

INTRODUCTION

The purpose of this notice is to inform you of a proposed settlement of a class action lawsuit brought by individuals with visual and/or mobility disabilities against the City of Sacramento ("City"). The lawsuit, known as *Barden et. al. v. City of Sacramento, et. al.*, Case No. CIV-S-99-497 MCE, alleges that the City of Sacramento and its Director of the Department of Public Works violated the Americans with Disabilities Act and other federal and state laws by failing to install curb ramps and otherwise provide access to Pedestrian Rights of Way under the jurisdiction of the City. Pedestrian Rights of Way include sidewalks and crosswalks as well as curb ramps.

The Court has scheduled a Fairness Hearing on December 4, 2003 at 10:00 am to determine if the Parties' Settlement Agreement regarding access to Pedestrian Rights of Way should be granted final approval by the Court.

THIS NOTICE SUMMARIZES THE PROPOSED SETTLEMENT AND ADVISES YOU OF:

- **THE STATUS OF THE LAWSUIT, INCLUDING A STATEMENT OF YOUR RIGHTS WITH RESPECT TO THE PROPOSED SETTLEMENT, AND**
- **YOUR RIGHTS TO OBJECT TO THE TERMS OF THE SETTLEMENT AND BE HEARD BY THE COURT.**

INDIVIDUALS COVERED BY THIS LAWSUIT: THE CLASS

The Court has conditionally certified a Settlement Class defined as: *all persons with mobility and/or vision disabilities who seek full and equal access pertaining to pedestrian rights of way in the City of Sacramento, excluding the wooden boardwalks in the area of Sacramento known as 'Old Sacramento' or 'Old Town.'* All people who meet this definition will be bound by the Settlement Agreement if it is granted final approval.

SUMMARY OF THE PROPOSED SETTLEMENT

For up to 30 years, the City of Sacramento will allocate an amount equal to 20% of its annual Transportation Fund (monies allocated to the City from the California Gas Tax and Measure A) to make the City's Pedestrian Rights of Way accessible to individuals with vision and/or mobility disabilities. This will include installation of compliant curb ramps at intersections, removal of barriers that obstruct the sidewalk, including narrow pathways, abrupt changes in level, excessive cross slopes, and overhanging obstructions, and improvements in crosswalk access. Specifically, the Agreement includes the following:

- Curb Ramps will be constructed to comply with state and/or federal law (whichever provides the higher access standard) in place at the time of construction.
- Detectable warnings for people with vision impairments will be installed at each location where sidewalks intersect vehicular ways.
- Improved crosswalk access, including more accessible pathways and detectable warnings for blind or low vision pedestrians, will be provided.
- The City will ensure that all newly constructed sidewalks and crosswalks, as well as any sidewalks and/or crosswalks that are renovated as part of larger construction projects, are accessible and served by curb ramps.
- The proposed settlement also provides for payment of damages to the Named Plaintiffs only and authorizes payment of attorney fees and costs to Class Counsel.
- When barriers in the Pedestrian Rights of Way are under the control of entities other than the City of Sacramento (including, for example, transit agencies and local utilities), the Parties will work cooperatively with these entities to address such barriers.

OBJECTIONS TO THE SETTLEMENT

The Court has scheduled a hearing for December 4, 2003 at 10:00 am, in the Courtroom of the Honorable John F. Moulds of the United States District Court for the Eastern District of California, 501 I Street, Sacramento, CA 95814, to determine whether the proposed settlement summarized above is fair and reasonable and should be approved. Class members have the right to attend and voice their objections to the settlement at this hearing. If you wish to appear at the hearing in person or through your attorney, you or your attorney must notify both the Court and class counsel in writing, postmarked before November 21, 2003. If you wish to register your objections through the mail, you may do so by mailing your written objections to the Court and Class Counsel, also postmarked before November 21, 2003.

For Named Plaintiffs and Settlement Class:

Melissa Kasnitz, Esq.
Disability Rights Advocates
449 15th Street, Suite 303
Oakland, CA 94612

For the Court:

The Hon. Magistrate John F. Moulds
U.S. District Court
Clerk's Office - 4th Floor
501 "I" Street
Sacramento, CA 95814

RELEASE OF CLAIMS

The proposed Settlement, if finally approved by the Court, will bind all members of the Settlement Class through the duration of the Compliance Period and will preclude Class Members from seeking separate declaratory and injunctive relief other than that provided by the Settlement Agreement for violations of the Americans with Disabilities Act and other federal and state laws regarding access to Pedestrian Rights of Way. No Settlement Class member can opt out of the injunctive relief portion of the Settlement Agreement.

The Named Plaintiffs only have also released claims for money damages and will receive payment of \$10,000 each. The Named Plaintiffs' release of damages claims does not release any claims of any individual Class Members for money damages based on access barriers in Pedestrian Rights of Way. Class members may bring individual actions for damages at any time during the Compliance Period.

FURTHER INFORMATION

The nature of this federal lawsuit and the proposed settlement are only summarized in this Notice. More detailed information concerning the settlement of this Case may be obtained from Class Counsel at the following address:

Disability Rights Advocates
Attn: Melissa W. Kasnitz
449 15th Street, Suite 303
Oakland, CA 94612
510/451-8644
510/451-8716 (TTY)
email: mkasnitz@dralegal.org

****PLEASE DO NOT CONTACT THE JUDGE DIRECTLY CONCERNING THIS CASE****