

**RESOLUTION APPROVING SETTLEMENT OF  
LAWSUIT**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

This concurrent resolution of the Legislature and the Governor gives approval to the Utah Department of Transportation to enter into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

**Highlighted Provisions:**

This resolution:

- ▶ approves the Utah Department of Transportation entering into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

**Special Clauses:**

None

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*Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

WHEREAS, the Utah Department of Transportation (UDOT) was sued by a Mr. Decker who uses a wheelchair and alleged he could not travel along Gentile Street in Layton without curb ramps;

WHEREAS, Mr. Decker claimed that UDOT should have installed Americans with Disabilities Act (ADA) compliant ramps when it resurfaced the street;

WHEREAS, Mr. Decker moved to certify the case as a class action, which the federal district court granted;

WHEREAS, Mr. Decker brought his claim under both the ADA and Section 504 of the federal Rehabilitation Act;

WHEREAS, the federal district court held that by accepting federal funds, UDOT must comply with the regulations promulgated under Section 504 of the Rehabilitation Act regarding ADA compliant curb ramps;

WHEREAS, by entering into a settlement, UDOT can schedule the installation of the curb ramps over the next ten years;

WHEREAS, UDOT, under the proposed settlement agreement, is required to commit one million dollars per year for the next ten years, until the curb ramps are completed;

WHEREAS, a settlement of more than one million dollars requires the Governor's and the Legislature's approval before a government entity may sign such an agreement;

WHEREAS, on January 24, 2005, the Legislative Management Committee met and heard testimony from the executive director of the Utah Department of Transportation, John Njord, and Assistant Attorney General Jerrold Jensen; and

WHEREAS, in that meeting, the Legislative Management Committee recommended the settlement of this lawsuit as it had been proposed; and approved the drafting of this concurrent resolution for the Legislature and Governor to affirm their approval of UDOT entering into this settlement agreement:

NOW, THEREFORE, BE IT RESOLVED by the Legislature, the Governor concurring therein, that the Utah Department of Transportation be approved to enter into a settlement agreement as outlined and approved by the Legislative Management Committee in the January 24, 2005 meeting.