



FAQ AND SUMMARY: SIDEWALK REPAIR PROGRAM

- **Policy Goals**
 - Permanent and on-going
 - Consistent with the Willits Settlement Agreement
 - Ensures accessibility
 - Shares responsibility for on-going sidewalk maintenance and repair with the adjacent property owner
- **Policy Summary**
 - Residential Property
 - “Fix and Release” - The City will repair damaged sidewalks prior to returning responsibility back to the adjacent property owner.
 - Commercial Property
 - One Year Moratorium - A one year moratorium is recommended for the issuance of Notices to Repair Sidewalks for commercial property owners.
 - Both residential and commercial property owners will be able to obtain a no-fee A-Permit.
 - The primary point of entry for these requests should be the City’s 311 system.
- **Questions and Answers About the Policy**
 1. Whose responsibility is it to repair sidewalks under existing State law?
 - State law has long placed the responsibility for sidewalk repairs on adjacent property owners.
 - “The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience...” (State Streets and Highways Code, Division 7, Part 3, Chapter 22, Article 2, Section 5610)
 2. What is the City’s tree root exception?
 - Adjacent property owners are responsible for the repair of sidewalks within the City of Los Angeles *EXCEPT* when caused by street tree root growth. (LAMC Section 62.104, Ordinance No. 146,040)
 3. What is the City’s obligation under Willits Settlement Agreement?
 - Ensure accessible sidewalks that comply with the Americans with Disabilities Act (ADA).
 - (1) Spend \$31 million (adjusted for inflation every five years) per year over 30 years on providing accessible sidewalks (\$1.4 billion total);
 - (2) Accountable and transparent with the public and the plaintiffs;
 - (3) Responsive to requests;
 - (4) Prioritizes locations of greatest use and the “worst of the worst”; and,
 - (5) Provide cost-effective stewardship of public funds.
 4. What options does the City have to be in compliance?
 - Notice and Inspection
 - Point of Sale
 - Point of Permit
 - Point of Service
 - Cost-Sharing Model (50/50)
 - City Pays and Conducts All Repairs
 - Fix and Release

5. What do other cities do?
 - Based on a survey of 82 cities in 45 states, the majority of cities share the financial responsibility with property owners. (Shoup, *Fixing Broken Sidewalks* [Access, No. 36, Spring 2010] pp. 30-36).
6. What are the CAO's recommendations?
 - Re-establish a sidewalk repair program that is consistent with Willits;
 - Designate the Board of Public Works to oversee the Sidewalk Repair Program and the City Engineer as the Program Manager;
 - Return responsibility for sidewalk repair due to tree root damage to adjacent property owners through a phased-in program;
 - Develop a tracking system for sidewalk repair requests;
 - Appoint an ADA Coordinator for the Pedestrian Rights of Way;
 - Implement a Sidewalk Asset Management System;
 - Provide assistance to property owners initiating repairs by creating a pre-qualified (and/or bonded) contractor list for sidewalk repair as well as waive permit fees; and,
 - Create a plan for Urban Forestry to ensure that street trees remain a healthy and vibrant component to the City's infrastructure.
7. Why ultimately turn over the responsibility to maintain sidewalks to property owners?
 - Status quo is not working due to limited resources and confusion over responsibility for sidewalk damage not caused by street tree roots.
 - On-going program to ensure long term accessibility.
 - All sidewalk repair requirements that were not created by tree roots are, and have always been, the responsibility of the adjacent property owner.
 - Responsibilities are now being clarified for both City and property owners.
8. Why should the City treat residential and commercial property owners differently?
 - Commercial property owners and renters providing a service have an existing obligation under the ADA and State law.
 - Commercial sidewalks are more expensive to fix.
 - Commercial property owners have more options to finance costs.
9. How do we protect the urban forest?
 - Preserving a tree is a top priority.
 - (1) The urban forest is a critical part of the City's infrastructure and the livability of the City.
 - (2) Urban forests provide landscaping beauty, creates shade which lowers the urban heat island effect and reduces energy consumption on hot days, assists with clean air, and provides urban habitat for birds and animals.
 - How can we do it?
 - (1) Various alternatives will be explored in maintaining the urban forest.
 - (2) Continue the existing program of replacing a single tree with two.
10. When would the new program begin?
 - It has already begun. Portions of the Sidewalk Program detailed in the report which pertain to sidewalks adjacent to City facilities began in 2013-14.
 - 115,500 sq. ft. of sidewalks have been repaired in 2014-15.
 - Tentative deadline for Council to take action: January 1, 2016.
 - Tentative date for full rollout of program: July 1, 2016.
11. Will the \$1.4 billion commitment fix all City sidewalks?
 - We actually don't know how much sidewalk \$1.4 billion will allow us to fix.
 - (1) Current policies and program(s) adopted by the City Council and the Mayor in the next 30 years will dictate how much the repairs will cost.
 - (2) A Notice and Inspection program will allow for the best utilization of the \$1.4 billion when compared to a program focused more on actually performing repairs.
 - (3) The challenge is determining an appropriate policy balance.

For more information please visit:
<http://eng.lacity.org/sidewalks/>
and
<http://cao.lacity.org/sidewalks/>

