

Improving the Safety and Accessibility of Sidewalks in Santa Cruz County:

*A Study of Jurisdiction and Property Owner
Responsibilities and Practices*

Appendices A - D

Compiled and written by the

Pedestrian Safety Work Group

A subcommittee of the Santa Cruz County Regional Transportation Commission's
Elderly & Disabled Transportation Advisory Committee

June 2010

Appendix A

Local Jurisdictions' Current Practices

City of Capitola
City of Santa Cruz
City of Scotts Valley
City of Watsonville
County of Santa Cruz

City of Capitola

Jurisdiction Profile	A-5
Guidelines for Inspection and Clearing	A-8
Sidewalk Maintenance Improvement Program Spreadsheet 1	A-9
Sidewalk Maintenance Improvement Program Spreadsheet 2	A-10
Capitola Municipal Code (See Chapter 12.04)	http://qcode.us/codes/capitola/

Jurisdiction Profile: City of Capitola

*Information provided by: Steve Jesberg, Department of Public Works (DPW)
Director and Ed Morrison, Assistant Public Works Director*

Baseline Information:

- 26 road miles (centerline)
- Approximately 50% of roads have sidewalks
- Sidewalks in downtown area maintained by the *property owner*.

(1) Conduct jurisdiction-wide audits to identify sidewalks that do not meet standards.

- One-fifth of the city's residential areas, and all of the commercial areas, will be inventoried each year with the goal of bringing all sidewalks into compliance.
- An inventory has been done informally since early 1990's, but became formal and planned in 2008. During 2009 the second fifth was inventoried.
- The City's Capital Improvement Program identifies new sidewalk improvements planned by the city
- In response to the objective of understanding the total percentage of compliant sidewalks in a jurisdiction, DPW staff indicated that this would be possible for each fifth of the city audited that year and would be based on the status of individual properties, as a unit of measurement.
- The City Council of Capitola directed staff to implement sidewalk improvement programs in 2006 and 2008.
- The 2006 initiative was in response to the need to remove vegetative obstructions; the 2008 initiative sought to more fully assess and address hazardous conditions.
- DPW has data from the inventory of the first two neighborhood "fifths" (Attachment A-1)
- DPW will review materials from other jurisdictions to beef up tracking of property improvements
- DPW would like to map their entire sidewalk network including identification of deficiencies

(2) Report status of the entire jurisdiction's sidewalk network annually

- Information is currently gathered and reported for 1/5 of the city each year

(3) Implement administrative processes that ensure prompt resolution of safety and access issues.

- DPW staff will go look at a location within 24 hours of a complaint being filed.
- If the uplift hazard is minor, the city will use their crew to grind the walkway. If not, DPW will notify the property owner of their responsibility to fix the problem. DPW staff will advise property owners of contractors who have insurance on file with the City and have done similar work. Property owners are required to complete repairs within 30 days of notification.

- Approximately 90% of the property owners comply with notices to correct hazards and understand that it is in their best interest to reduce their liability exposure.
- Action toward property owners that don't comply requires a public hearing per the city's municipal code. This process is unique among jurisdictions surveyed and seems to represent an onerous requirement and unnecessary hurdle to prompt resolution.
- Right-of-way work requires an encroachment permit, typically provided at no cost by the City

(4) Promote the community value of property owners maintaining safe and accessible sidewalks

- A marketing/outreach plan to promote a community value of safe and accessible sidewalks has not been developed.
- DPW staff informally discusses a shared community value when inspecting neighborhoods and interacting with residents.

(5) Inform residents of the jurisdiction's program for ensuring the maintenance of safe and accessible sidewalks.

- The City Council established sidewalk maintenance program goals in a public meeting
- Information regarding the program has been included in one city newsletter
- The Pedestrian Safety Work Group requests that outreach emphasize the broad value and benefit of safe and accessible sidewalks to all community residents.
- DPW will include more information about their sidewalk program on the City's website
- DPW will write an article for an upcoming City Newsletter about the sidewalk improvement program emphasizing the community value of having a great pedestrian network.
- The Pedestrian Safety Work Group offers to assist the DPW with the article (draft and/or review it)

(6) Create highly visible processes for reporting sidewalk safety and access issues

- Public education regarding the reporting process is limited. There is no program brochure or posting on the department's website.
- Sidewalk safety and access exposures may be reported using the Regional Transportation Commission's Pedestrian Access Report form.

(7) Develop information and support resources for property owners seeking to address unsafe or inaccessible sidewalk conditions

- Trip hazards of less than ½ inch will be ground down by the City typically within a targeted time line of one week.

- The City may remove minor vegetation barriers encountered in the course of daily work activities.
- Trees:
 - The property owner is responsible for sidewalk tree maintenance/repair, regardless of who planted the adjacent tree(s)
 - The City planning department decides whether or not a property owner can replace a tree.
 - The City has list of currently acceptable trees to plant (changes over time)
 - The City uses root barriers for their tree plantings and is planning on developing standards for barriers in order to encourage and insure their proper use by property owners.

Notable practices

- The City conducts a rotating five year sidewalk audit of sectors of the city.
- There is a 24 hour response to reports of hazards which includes an inspection.
- The City grinds sidewalks trip hazards of less than 1/2 inch typically within one week.
- The City will advise property owners of contractors who have insurance on file with the City and have done similar work. The City sustains focus on prompt resolution by property owners.
- City waives permit fees for sidewalk repair work.
- The City's enforcement process includes a public hearing as a final step. This is unique among jurisdictions surveyed. The hearing delays resolution and is probably not a necessary step.

Capitola's Sidewalks

Guidelines for Inspection and Clearing

Vegetative Obstructions

Objective: To keep Capitola's sidewalks clear of vegetative obstructions for safer pedestrian access.

- 1) All sidewalks will be inspected for vegetative obstructions, on an on-going basis.
- 2) Public Works crew will prune any minor growth that is observed during their daily work routine. Any major amount of growth will be reported to their Public Works Supervisor.
- 3) The Public Works Supervisor will inspect any reported obstructions and will determine a course of action. If work is minor in scope, the Public Works crew will be assigned to cut the growth clear from the sidewalk.
- 4) If the Supervisor determines there is a major amount of work to be done, the Supervisor will contact the property owner and inform of the work that is needed. After 1-2 weeks, if the needed work is not performed, the Public Works crew will be assigned to trim back the reported obstruction.
- 4.5) If the supervisor determines the work is too sensitive in nature or too large to be completed by Public Works crews, the Public Works office will be notified to initiate abatement procedures
- 5) The amount of work needed per site will be determined using the following general descriptions as criteria. When in doubt, contact the Supervisor.
- 6) Vegetative obstructions will be classified as follows:
 - No action needed: If vegetative growth brushes against the body but does not cause you to change course.
 - Minor work: If vegetative growth forces you to change course but does not exceed one wheelbarrows worth of debris.
 - Major work: Vegetative growth exceeds one wheelbarrows worth of debris or will significantly alter the aesthetics of the plant/tree.
- 7) Monthly reports will be provided to the Public Works Director stating the following: number of sites identified, number of sites addressed, and the number of abatement notices needed.

Sidewalk Offsets

Objective: To keep Capitola's sidewalks free of trip hazards

- 1) All sidewalks will be inspected for offsets, on an on-going basis.
- 2) Offsets are any concrete sidewalks that have been lifted by 1/2" or more and create a trip hazard.
- 3) The Public Works Supervisor will inspect all commercial corridor sidewalks annually. The commercial corridor will include Capitola Village, Capitola Avenue, Capitola Road, Clares Street, Bay Avenue, Monterey Street, 41st Avenue, and 38th Avenue.
- 4) The Public Works Supervisor will inspect all neighborhood sidewalks on a rotating five-year inspection program. The neighborhoods will be identified and prioritized in the following order: the Cliffwood Heights Neighborhood, the Depot Hill & Capitola Village Neighborhood, the Riverview/Pilgrim/Rosedale Neighborhood, the Jewel Box/Southern Neighborhood, and the Avenues/North of Capitola Road Neighborhood. (see attached maps)
- 5) The Supervisor will determine and mark which offsets can be repaired by the Public Works crew. The Public Works Office will be notified of any site that will need an abatement notice.
- 6) Monthly reports will be provided to the Public Works Director stating the following: number of sites identified, number of sites addressed, and the number of abatement notices needed.

2/2/10

CAPITOLA SIDEWALK MAINTENANCE IMPROVEMENT PROGRAM
2010

Street	Address/Block	Trims	Sidewalk Grinds	Repairs	Date
Bay Street				5	
Beverly Avenue		3	2	1	
Center Street			4		
Gilroy Drive	SB	9	4	1	
	NB	9	5	4	
Oak Drive	SB	4	4	2	
	NB		4		
Riverview Drive	SB	5	5		
	NB	6	2	2	
Sunset Drive	SB	6	3	1	
	NB	8	4	2	

CAPITOLA SIDEWALK MAINTENANCE IMPROVEMENT PROGRAM

2009

Street	Address/Block	Crew Vegetation Trims	Owners Notified of Trimming Need	Owners Vegetation Trims	Sidewalk Grinds	Sidewalk Offsets Set for Owner Repairs	Date
California			1	1		1	01/13/09
Cherry					2		01/13/09
Cherry			1		2	1	01/13/09
Cherry					1		01/13/09
San Jose			1	1	1	1	01/13/09
Stockton					2		01/13/09
Capitola Ave.						1	01/13/09
Capitola Ave.					1	1	01/28/09
Capitola Ave.					1		01/28/09
Stockton					1		01/28/09
41st						1	01/29/09
41st					1		
41st					2		
41st					1		
41st					5		
41st					2		
41st					1		
41st					2		

Capitola Diner

Del Mar Cleaners

Citibank

BOA

WFB

Wachovia

PG&E substation

City of Santa Cruz

Jurisdiction Profile	A-13
Notice to Repair Sidewalk Area	A-16
Sidewalk and Parkway Strip Maintenance Program Brochure	A-17
Contract List Provided to Residents	A-19
California Streets and Highways Code	A-24
Santa Cruz Municipal Code (see section 15.20.210)	
http://www.codepublishing.com/CA/SantaCruz/	

Jurisdiction Profile: City of Santa Cruz

Information provided by: Cheryl Schmitt and Jim Burr

Baseline Information:

- 140 road miles (centerline miles)
- The percentage of roads with sidewalks is unknown. An audit is underway
- Sidewalks in downtown area maintained by the property owners, sometimes through association fees.

(1) Conduct jurisdiction-wide audits to identify sidewalks that do not meet standards.

- The City's sidewalk maintenance program is complaint driven, rather than a systematic audit.
- DPW staff also try to assess the condition of additional sidewalks near the specific complaint (so residents don't feel singled out), sometimes along both sides of the block, and may also assess links to high traffic pedestrian corridors such as safe routes to schools
- The City is currently updating their map showing missing sidewalks and ramps. This map does not address maintenance issues.
- The Capital Improvement Program will include missing facilities as unfunded
- DPW will consider ideas for taking an inventory of the city's sidewalk conditions or the response rate of private property owners to repair notices, such as use interns or complying with community service hour conditions

(2) Report status of the entire jurisdiction's sidewalk network annually.

- Available information about the status of the sidewalk network reflects only the complaints received and is not currently gathered or reported in a comprehensive format. A City-wide base map of sidewalk status is underway.

(3) Implement administrative processes that ensure prompt resolution of safety and access issues.

- City staff inspects complaints and photographs the hazardous area.
- A \$275 fee permit is required for all repair work (fee was waived up to July 2009, but reinstated due to the budget situation).
- The City sends a letter requesting that the property owner make the repair and notes that their home owners insurance may cover the cost.
- City provides a list of potential contractors.
- The property owner is not given a deadline for completion of the repair.
- The City has sent over 700 letters since 2007.
- Although City staff does not re-inspect to determine if the work has been completed, they now are able to match the incidents with the finalized permits to determine the follow-up rate.

- A follow-up study conducted by an intern in February of 2008 found that 66% of those sent notices had completed the repairs.
- The City no longer does any grinding or vegetation removal, it is all the responsibility of the property owner.

(4) Promote the community value of property owners maintaining safe and accessible sidewalks

- A marketing/outreach plan to promote a community value of safe and accessible sidewalks consists of a brochure available in print and on the City's website.
- The City is open to additional outreach.

(5) Inform residents of the jurisdiction's program for ensuring the maintenance of safe and accessible sidewalks.

- A brochure describing the program is available on the DPW webpage and a copy is included in the notice of needed repair sent to property owners.
- DPW will work on getting more information about the program placed on the City website.
- DPW will work on getting an article about private property owner maintenance responsibilities in the SCMU Review, the utility newsletter.
- Other outreach ideas: Presentations to Santa Cruz Neighbors and to the City Council.
- The Pedestrian Safety Work Group volunteered to help with outreach materials (draft, review, etc.)

(6) Create highly visible processes for reporting sidewalk safety and access issues

- Information regarding the process for reporting hazards is posted on the DPW webpage and in program brochures. Outreach public education regarding the process is limited.
- The City also uses the RTC's Pedestrian Access Report form.

(7) Develop information and support resources for property owners seeking to address unsafe or inaccessible sidewalk conditions

- Trees:
 - City Arborist must perform an inspection if sidewalk work may impact an adjacent tree
 - Parks and Recreation Department and the Public Works department are occasionally at odds about whether to encourage trees in the strip between the sidewalk and the street.
 - If a sidewalk uplift due to a tree, the city charges \$125 for the tree inspection by the city arborist in addition to the \$275 for the city sidewalk inspection/permit

- Root barriers encouraged if planting in strip between sidewalk and street. Root barrier detail on City's website. City encouraged to include information in their brochure.

Notable practices

- The City has a program brochure that is well-conceived and written.
- There is a well-defined process for inspection and documentation of hazards.
- Responses to individual hazard reports are expanded to include assessments of adjacent sidewalks
- The property owner notification package is well-conceived and written.
- The process for addressing tree related sidewalk issues considers and resolves a range of challenging issues. The fee structure is an item of interest.
- The City uses Geographic Information Systems (GIS) to map where sidewalks exist as a way to identify deficiencies in the network.

Date

Name

Address

Address

Re: AP#
Address, Santa Cruz, California

NOTICE TO REPAIR SIDEWALK AREA

The City of Santa Cruz Municipal Code requires property owners to maintain in a safe condition sidewalk areas, which include, but are not limited to, the sidewalk, driveway, curb, gutter and street trees adjoining their property. I inspected the sidewalk condition adjoining your property at Address and observed uneven pavement creating potentially unsafe conditions on the sidewalk.

I request that you promptly repair the damaged sidewalk area, as required by law. A City of Santa Cruz concrete construction permit will be required of a General-A Engineering or C-8 Concrete licensed contractor for this repair work. The charge for this permit is \$275. Sidewalks requiring arborist inspection will be charged an additional \$125.

Please note that under Santa Cruz Municipal Code §15.20.220, a landowner is liable to members of the public who are injured due to the property owner's failure to maintain the sidewalk areas. Since the sidewalk condition appears to pose a risk of injury to the public, its prompt repair will eliminate a significant liability exposure for you. I recommend that you contact your property owner's insurance company to see if this is covered in your policy.

Please refer to the enclosed documents for more information.

Sincerely,

Cheryl Schmitt
Bicycle/Pedestrian Coordinator

Cc: Risk Manager
940-15.50
Enc: Codes
Brochure
Photograph
List of Contractors

D:\data\docs\bikes&peds\sidewalks\Address.doc

8. Is the property owner responsible for repairs if the concrete damage is caused by a tree?

In an effort to beautify our City's neighborhoods, street trees are encouraged in front of each residence. The property owner is responsible for the maintenance of the street tree and for the cost of concrete repair, even though the concrete may have been raised by the street tree. Certain species of trees may raise concrete if preventative maintenance is not performed.

In extreme cases, street trees cannot be saved and must be removed before the sidewalk and/or curb and gutter can be replaced. City standards require replacement of the tree, to be selected from a list of approved street trees. Proper tree selection is critical and is reviewed by the City Arborist. The tree permit process in these cases must be pursued before a concrete permit can be issued. Tree permits are issued by the Parks and Recreation Department. Tree work permitting is governed by Chapter 13 of the Santa Cruz Municipal Code.

9. What measures should be taken to minimize concrete displacement by tree roots?

To reduce the chance of future concrete displacement, trees can be root-pruned and a root barrier installed. Care must be taken when root pruning to avoid damaging underground utilities.

Also, deep-watering the tree, that is, applying a slow trickle of water over a 24-hour period, encourages deeper root growth which reduces the chance of sidewalk damage.



Public Works Department
809 Center Street, Room 201
Santa Cruz, CA 95060

CITY OF SANTA CRUZ Sidewalk & Parkway Strip Maintenance Program

Property Owner Responsibilities

Department of Parks and Recreation
Department of Public Works

1 he sidewalk, park strip, and curb and gutter are located next to the street on the front and/or side portion of your property. The curb and gutter are located at the edge of the street pavement. The sidewalk is either separated from the curb by a parkway strip area, or is located adjacent to the curb.

Who is responsible for maintaining the sidewalk, park strip area, and curb gutters?

The property owner is responsible for properly maintaining this area (see Santa Cruz Municipal Code Section 15.20.210). This responsibility includes maintenance of damaged or displaced concrete, abatement of weeds or debris, and the maintenance of trees and shrubs whether on private or public property. Replacement and trimming of street trees and shrubs is further governed by Chapter 13 of the Santa Cruz Municipal Code.

Who is liable for injuries caused by defective sidewalks?

The owner of property adjoining a sidewalk area is liable for injuries caused by that owner's failure to maintain the sidewalk area in a safe condition (see Santa Cruz Municipal Code Section 15.20.220).

How is the need for correction of landscape-related problems determined?

- Visibility – When parkway strip shrubbery interferes with vehicle operator visibility, trimming to a maximum height of thirty inches is required. (30 inches maximum height, 25 feet minimum sight distance at corners).
- Walkway and Gutter Clearance – Trimming of ground cover or shrubs is required when there is an encroachment onto the sidewalk or gutter.

- Obstacles in the Parkway Strip – Elimination of tree stumps, large rocks, trash, holes, and some built-up planters is required. When the parkway strip is unimproved or landscaped and there is a drop, the parkway strip must be filled with dirt or other material (no asphalt) to eliminate tripping hazards.

When is concrete repair needed?

Repair of the sidewalk concrete is required in the following circumstances:

- A vertical separation of more than one-half inch in sidewalk or concrete parkway strip.
 - Ramping, where there is a rise or depression of more than one inch within a horizontal distance of eight inches in conjunction with a vertical separation.
 - A separation or opening in a break or construction joint of 3/8 inch or more (Americans with Disabilities Act Standard).
 - The breaking apart or spalling of concrete with a minimum depth of more than one-half inch.
- Curb and gutter repair is required in the following circumstances:
- Where a defect interferes with the safe and reasonable use by pedestrians and bicyclists, such as vertical or horizontal separations of more than one-half inch or there are broken away sections adjacent to a marginal walk or driveway approach.
 - It is part of a driveway approach replacement.

What are the options available for completing the work?

Construction of curbs, gutters, and side-walks in City streets may be performed by a properly licensed and insured contractor. A permit is required for concrete repair, and may be issued to contractors for free by the Department of Public Works. Permits for street tree and shrub trimming may be obtained from the Department of Parks and Recreation. Permits are valid for 45 days; call (831)420-5270.

How does one go about finding a contractor?

The yellow pages or the classified section of the newspaper are good places to start. The contractor selected must secure a concrete construction permit from the Department of Public Works.

Are there inspections and standards for concrete repair work?

Yes, all work and materials must be in conformance with the City of Santa Cruz Standard Specifications for Public Works Construction and Parks and Recreation ISA Standards.

Before placing any concrete you must have the forms, base, tree root removal, and saw cuts inspected. After approval, a City-approved concrete mix must be used. Finish must be a light broom finish with score marks to match the existing sidewalk. After the work is completed, you must call for a final inspection. A permit is required for all concrete work in the public right-of-way. To obtain a permit or arrange an inspection, call (831)420-5160.

■ For further information about sidewalks and street trees please call:
Department of Parks & Recreation at (831)420-5270 or Public Works Department at (831)420-5160



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Business License Database

Your search for:

- Employee Count=Select:
- Business Class Code=1605

Found 22 matches (displaying 1 to 10)

Business Name: LOCATELLI CONCRETE FINISHING
Business Address: 255 CASSERLY RD
Owner Name: PETE LOCATELLI
Start Date: 20/01/1976

Business Phone:
Employee Count: 1
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: LOMBARDO DIAMOND CORE DRILLING
Business Address: 2225 DE LA CRUZ BLVD
Owner Name: RICHARD D LONG
Start Date: 01/07/1989

Business Phone:
Employee Count: 0
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: TNT CONCRETE #673425
Business Address: 1311 DELAWARE AVE
Owner Name: WILLIAM THREEWITT
Start Date: 30/05/1980

Business Phone:
Employee Count: 2
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: RALSTON CONCRETE, TOM #736486
Business Address: 241 FERN ST
Owner Name: TOM RALSTON
Start Date: 28/08/1990

Business Phone:
Employee Count: 25
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: ALBANESE INC, JOS J #299880
Business Address: 840 PARKER ST
Owner Name: JOHN ALBANESE
Start Date: 05/11/1992

Business Phone:
Employee Count: 10
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: BERNOKEITS CONCRETE, KATHLEEN
Business Address: 2337 BRANCIFORTE DR
Owner Name: KATHLEEN BERNOKEITS
Start Date: 10/11/1992

Business Phone:
Employee Count: 7
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: COAST CONCRETE #351777
Business Address: 5940 SOQUEL AVE
Owner Name: JOHN CURETON
Start Date: 07/07/1994
Business Phone:
Employee Count: 8
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: SCHROEDER CONCRETE CONST, MIKE
Business Address: 2069 DOLPHIN WAY
Owner Name: MIKE SCHROEDER
Start Date: 25/05/1997
Business Phone:
Employee Count: 0
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: LARGO CONCRETE, INC.
Business Address: 891 W HAMILTON AVE
Owner Name: MARK D CARNATHAN
Start Date: 01/01/2005
Business Phone:
Employee Count: 0
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: DIAMOND D COMPANY
Business Address: 310 KENNEDY D
Owner Name: DAVE PETTIGREW
Start Date: 06/06/2005
Business Phone:
Employee Count: 12
Business Classification: 1605 : CEMENT CONTRACTOR

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Your search for:

- Employee Count=Select:
- Business Class Code=1605

Found 22 matches (displaying 11 to 20)

Business Name: BARTLETT, DAMEON CONCRETE 758374
Business Address: 725 30TH AVE
Owner Name: DAMEON BARTLETT
Start Date: 17/06/2003
Business Phone:
Employee Count: 0
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: WHITLOW CONCRETE INC #750243
Business Address: 4148 CLARES ST
Owner Name: W J WHITLOW
Start Date: 29/05/1961
Business Phone:
Employee Count: 13
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: APARICIO CEMENT CONTRACTOR INC, C
Business Address: 506 PHELAN AVE
Owner Name: CARLOS APARICIO
Start Date: 06/06/2007
Business Phone:
Employee Count: 8
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: CELL CRETE CORPORATION 243404
Business Address: 995 ZEPHYR AVE
Owner Name: LOU FISHER
Start Date: 18/07/2007
Business Phone:
Employee Count: 4
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: CAL WEST CONCRETE CUTTING INC
Business Address: 3000 TARA CT
Owner Name: CONCRETE CAL-WEST
Start Date: 18/06/2008
Business Phone:
Employee Count: 1
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: CRUM CONCRETE, MICHAEL L #379912
Business Address: 2642 MONTEREY AVE
Owner Name: MICHAEL L CRUM
Start Date: 18/07/1996

Business Phone:
Employee Count: 5
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: MELO CONCRETE CONSTRUCTION 767668
Business Address: 5820 OBATA WAY C
Owner Name: MANUEL M MELO
Start Date: 01/07/2008
Business Phone:
Employee Count: 12
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: US CONCRETE CONSTRUCTION
Business Address: 30634 HASLEY CANYON RD
Owner Name: ULISES SALAZAR
Start Date: 17/11/2008
Business Phone:
Employee Count: 15
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: BERKELEY CEMENT INC 290755
Business Address: 1200 SIXTH ST
Owner Name: SCOTT FADELLI
Start Date: 12/12/2008
Business Phone:
Employee Count: 3
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: SANDERS CONCRETE, DOUG 775440
Business Address: 1313 PROSPECT ST
Owner Name: DOUG SANDERS
Start Date: 12/01/2007
Business Phone:
Employee Count: 2
Business Classification: 1605 : CEMENT CONTRACTOR

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Your search for:

- Employee Count=Select:
- Business Class Code=1605

Found 22 matches (displaying 21 to 22)

Business Name: CYPRESS HILL CONCRETE INC.
Business Address: 200 BURNETT AVE 43
Owner Name: JOHN CABALLERO
Start Date: 25/03/2008
Business Phone:
Employee Count: 2
Business Classification: 1605 : CEMENT CONTRACTOR

Business Name: BAY AREA ASPHALT & CEMENT
Business Address: 545 NIPPER AVE
Owner Name: SCOTT KOLANDER
Start Date: 07/07/2009
Business Phone:
Employee Count: 5
Business Classification: 1605 : CEMENT CONTRACTOR

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- California Codes
 - California Streets and Highways Code
 - STREETS AND HIGHWAYS CODE SECTION 5610-5618

5610. 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 in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land

City of Scotts Valley

Jurisdiction Profile	A-29
General Complaint Form	A-32
Notification Letter	A-34
Scotts Valley Municipal Code (See Chapter 12.04)	
http://library2.municode.com/default-test/home.htm?infobase=13736&doc_action=whatsnew	

Jurisdiction Profile: City of Scotts Valley

Information provided by Ken Anderson (Public Works Director)

Baseline Information:

- 35 miles of streets (centerline)
- Approximately 15-30% have sidewalks, mostly in commercial areas
- City maintains Scotts Valley Drive and Mt. Hermon Road
- All other business districts maintained by the district

(1) Conduct jurisdiction-wide audits to identify sidewalks that do not meet standards.

- The sidewalk improvement program is complaint driven, no formal sidewalk audit is performed
- Approximately 2 complaints were received in 2009
- There is currently no process for measuring and reporting the percent of sidewalks that are in compliance.
- Currently there are no goals or timetables for compliance.
- Most of the sidewalks are new and don't yet need much maintenance
- Much of the city is on slopes which would not meet ADA standards
- The City's Capital Improvement Program includes new sidewalk projects and sidewalk repairs such as curb cuts, which are prioritized based on funding projections
- The City has a Sidewalk Master Plan, but it is ten years old
- The City has an ADA Committee comprised of two caregivers (1 for an adult, 1 for a child), two disabled individuals (both use power chairs), 1 City Council member, 1 staff each from DPW, planning and police.
- The Capital Improvement Program will include missing facilities as unfunded

(2) Report status of the entire jurisdiction's sidewalk network annually.

- Information is not currently gathered or reported in this format.

(3) Implement administrative processes that ensure prompt resolution of safety and access issues.

- City staff inspects complaints and knocks on door/explains program to property owner.
- No fee is charged the property owner for an encroachment or repair permit
- The City does not provide pavement grinding, but may take care of vegetation immediately, especially if it pushes people out into the street. Residents are notified that city crews may use chainsaw or other rough tools to trim vegetation
- Property owners are required to use a licensed contractor in making repairs.
- The City stays in touch with the property owner until the problem is resolved. It uses a "tickler" system to monitor completion of the work.

- If property owners do not make repairs, the City would do so with the option of placing a lien on the property if payment was not made.
- The City aims for 100% of the conditions prompting complaints to be corrected.
- The City adds new sidewalks primarily when it is a condition of a new subdivision or other improvement.

(4) Promote the community value of property owners maintaining safe and accessible sidewalks

- A marketing/outreach plan to promote a community value of safe and accessible sidewalks has not been developed.

(5) Inform residents of the jurisdiction's program for ensuring the maintenance of safe and accessible sidewalks.

- Outreach public education regarding the program is limited.
- The City feels that businesses are aware of their responsibilities for sidewalk maintenance.
- Residential property owners are not as aware, but there are fewer sidewalks in these areas
- The City does not have brochure for property owners on its website or in its lobby.
- Requirements are communicated when the property owner is notified of sidewalk hazards/exposures.
- The City does not have a newsletter for publicizing the program.
- More program information could be placed on the City website
- Other Outreach Ideas:
 - Work with homeowner associations
 - Place articles in the Scotts Valley Press Banner newspaper
 - Make presentations to televised City Council meetings
 - Solicit leadership from the mayor
- DPW staff is receptive to coordinating with the other local jurisdictions to develop a common set of standards for property owner sidewalk maintenance and repairs.
- The Pedestrian Safety Work Group volunteered to help with outreach materials (draft, review, etc.)

(6) Create highly visible processes for reporting sidewalk safety and access issues

- Information regarding the process for reporting exposures is posted on the DPW webpage.
- Either the generic city complaint form or the RTC's Pedestrian Access Report can be used to report hazards.
- Public education regarding the process is limited.

(7) Develop information and support resources for property owners seeking to address unsafe or inaccessible sidewalk conditions

- Few trees in strip between sidewalk and street, so few tree issues on sidewalks



CITY OF SCOTTS VALLEY

1 Civic Center Drive . Scotts Valley. 95066

Phone: 440-5640/Fax: 438-2793

COMPLAINT FORM

Complaint No. _____

Address/Location of Complaint:

Description of Complaint (print clearly):

Your Name (complainant): _____ Date: _____

Address: _____ Phone: _____

FOR OFFICE USE ONLY

- ☐ Planning Dept. ☐ Building Dept. ☐ Police Dept. ☐ Public Works
☐ Fire District ☐ Other _____

Assessor's Parcel No. _____

Property Owner's Name: _____

Property Owner's Address: _____

FOR OFFICE USE ONLY

ACTION TAKEN BY:

DATE: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FINAL DISPOSITION OF COMPLAINT

NAME: _____ DATE: _____

FINAL APPROVAL: _____ DATE: _____

City Manager

Sample letter

April 5, 2002

~~Bluebonnet Lane~~
Scotts Valley, CA 95066

The Police Department has notified me that they have received several complaints regarding limited site distance on Bean Creek Rd. due to your landscaping located in the city right-of-way adjacent to Bean Creek Rd. I visited the site and observed that your shrubbery is overgrown and is impairing people's ability to see cars traveling Scotts Valley Drive bound on Bean Creek Road. The bushes need to be trimmed and maintained at a height of three feet. If you would like to have the bushes professionally trimmed in a manner to your liking, please do so by April 15, 2002. If the bushes are not trimmed by this time, a city work crew will trim the bushes in a manner that may not be to your liking. If you have any questions, please contact me at 438-8689.

Sincerely,

Dave Leuty
Maintenance Division Manager

ca

City of Watsonville

Jurisdiction Profile	A-37
Notice to Repair Letter	A-40
Public Works Letter Regarding Property Owner Responsibility	A-42
Watsonville Municipal Code (See Chapter 7-2)	
http://www.codepublishing.com/ca/watsonville/	

Jurisdiction Profile: City of Watsonville

Information provided by Maria Esther Rodriguez (Principal Engineer) and Rosemarie Martinez Dow (Assistant Engineer)

Baseline Information:

- 92 miles of streets (centerline)
- Approximately 75% have sidewalks on both sides

(1) Conduct jurisdiction-wide audits to identify sidewalks that do not meet standards.

- The sidewalk maintenance program is complaint driven.
- There is no formal sidewalk audit process to determine the percent of sidewalks adjacent to private property that are in compliance.
- The City is making progress toward compliance with each new project that is proposed and approved. A plan is not currently in place to achieve full compliance within a defined period of time.
- The City has a goal of installing curb cuts at all intersections. The curb cuts are mapped on the city's Geographic Information System (GIS).
- The City pays for the installation of curb ramps at intersections but adjacent property owners are responsible for maintenance of the sidewalks.

(2) Report status of the entire jurisdiction's sidewalk network annually.

- Information is not currently gathered or reported in this format.

(3) Implement administrative processes that ensure prompt resolution of safety and access issues.

- City staff inspects complaint and photographs problem
- For complaints about vegetation, the City takes photo and sends letter to the property owner with request for immediate attention.
- The City may do free concrete grinding if the problem is ¼ to ½ inch uplift.
- If there is a significant safety or access exposure, a letter/photo is posted at the site.
- The City bids a contract every two years that includes rates, specifications, and procedures. The contractor awarded the bid then performs the pedestrian facility repairs as directed by City staff. (Referred in this document as "City contractor")
- A letter with a cost quote is sent to property owner requiring them to either:
 - Fix the problem using their own contractor within 30 days or
 - Enter into an agreement with the City to have the City contractor make the repair.
- Upon request, Property owners are given a list of licensed contractors with whom they can negotiate their own terms. The list of contractors is compiled

- A permit is needed for repair work done by private citizens. A licensed contractor pulls the permit. No permit required if the work is performed under the City contract.
- The permit includes a 10% fee to cover inspection costs.
- The City aims for 100% of complaints to be corrected.
- An asphalt overlay of the streets triggers ramp and ADA improvements, but chip seal does not.

(4) Promote the community value of property owners maintaining safe and accessible sidewalks

- A marketing/outreach plan to promote a community value of safe and accessible sidewalks has not been developed.

(5) Inform residents of the jurisdiction's program for ensuring the maintenance of safe and accessible sidewalks.

- The City publishes a brochure describing the program for property owners to maintain their sidewalks.
- The City acknowledges it could place more program information on its website
- City Staff has presented information on Sidewalk repair to Realtor's board
- Other Outreach Ideas:
 - Insert program information in utility and/or property tax billings mailed to city residents.
 - Create a sticker that could be used on all trash cans
- The South County Bike and Pedestrian Safety Work Group is also working on promoting pedestrian safety and has a goal to increase community awareness and promote use of hazard reporting
- DPW supports a countywide mandate for property owners to repair sidewalks at the time of sale.

(6) Create highly visible processes for reporting sidewalk safety and access issues

- Public education regarding the process is limited.

(7) Develop information and support resources for property owners seeking to address unsafe or inaccessible sidewalk conditions

- The City may do free concrete grinding if the problem is ¼ to ½ inch uplift
- City gives property owners two weeks to take care of vegetation issues, if not done the City will take care of it and bill property owners or add costs to property tax
- The City Finance Department offers the option of setting up an agreement/account for property owners who opt to use the city's contractor,

- Cost of curb cuts subtracted out of the repair cost estimate.
- The agreement is notarized. If property owner defaults on the loan, then added to their property tax bill.
- The City repairs sidewalks damaged due to street trees if the city planted the tree. Sometimes the city will replace the tree and add root barriers.
- The City has a list of approved trees
- Landscaping in strip between sidewalk and street occurs primarily in commercial and industrial areas

Notable practices

- The City offers property owners the option of having the city's contractor, with who they have negotiated rates, perform the work.
- The City Finance Department sets up an agreement/account, for property owners who opt to use the City contractor, to pay back the cost of repairs with a zero interest loan over one year (In hardship cases, it may be extended to two years).
- The agreement is notarized. If property owner defaults on the loan, then added to their property tax bill.
- The City has an aggressive curb cut program that is prioritized based on community requests primarily addressing the needs of seniors, people with disabilities and children.

Property Posted: *Date, 20##*

By: Rosemarie Dow

Property Location: *### Street*

Parcel No. *##-###-##*

NOTICE TO REPAIR

Date: *Date, 20##*

To: *Owner*
Street Address
City, State ZIP

As the owner in possession of that certain property in the City of Watsonville described above, you are hereby notified that a portion of the sidewalk/curb and gutter/driveway is in need of repair and is in such condition as to interfere with the public safety and use thereof. The specific deficiency is described as follows:

Approximately (# of) square feet of concrete sidewalk and (# of) linear feet of curb constituting a pedestrian tripping hazard. The location will be marked for your information (see attached photograph).

Would you please cause the repairs to be made by a contractor of your choice within 30 days. The repair must be made in accordance with the city standards and by a licensed, bonded contractor. A C-8 or A license is required and a Public Works permit is to be issued to the contractor.

This Notice to Repair may be discussed with a member of the Engineering Department staff by calling Rosemarie Dow at (831) 768-3110.

If, after discussion, the property owner still disagrees with the staff decision, it may be appealed to the City Council by filing a Notice to Appeal with the City Clerk within fourteen (14) days of the above date. If appealed, you will be advised in writing of the City Council meeting at which your matter will be heard.

If the appeal is denied by the City Council, you may cause the repairs to be made by a contractor of your choice or the City's concrete contractor will make the required repairs and you will be billed for the cost of the work. A City administrative cost of 10% will be added to the bill. The Engineer's Estimate for the repairs is \$##### (including the 10% admin. cost). This quotation is good until *Month DD, YYYY*. After completion, the total cost may be paid in cash to the City or it may be placed upon the property tax roll for collection.

For more information please call Ms. Dow at 768-3110.

Very truly yours,

Rosemarie M. Dow
Assistant Engineer for

David A. Koch
Public Works/Utilities Director

Attachments

P:\PROJECTS\sidewalk.jobs\Sample Sidewalk Repair Ltr.doc

CITY OF WATSONVILLE

"Opportunity through diversity; unity through cooperation"



ADMINISTRATION BUILDING

215 Union Street
Second Floor
Fax 831.761.0736

MAYOR & CITY COUNCIL

215 Union Street
831.728.6006

CITY MANAGER

831.728.6011

CITY ATTORNEY

831.728.6013

CITY CLERK

831.728.6005

PERSONNEL

831.728.6012

CITY HALL OFFICES

250 Main. St.

COMMUNITY DEVELOPMENT

831.728.6018

Fax 831.728.6173

FINANCE

831.728.6031

Fax 831.763.4066

PUBLIC WORKS &

UTILITIES

831.728.6049

Fax 831.728.4065

PURCHASING

831.728.6029

Fax 831.763.4066

REDEVELOPMENT & HOUSING

831.728.6014

Fax 831.763.4114

AIRPORT

100 Aviation Way

831.728.6075

Fax 831.763.4058

FIRE

115 Second Street

831.728.6060

Fax 831.763.4054

LIBRARY

310 Union Street

831.728.6040

Fax 831.763.4015

PARKS & COMMUNITY SERVICES

30 Maple Avenue

831.728.6081

Fax 831.763.4078

SIDEWALK, DRIVEWAYS, CURBS, AND GUTTERS

Within the City of Watsonville, a property owner is responsible to maintain the sidewalk, driveway, curb, and gutter adjacent to their property in good condition so as to not interfere with the public safety and use. If any of these areas become deficient (or a tripping hazard), repair is the responsibility of the property owner.

Once the City becomes aware of a deficiency, the property owner is sent a "Notice to Repair" and given 30 days in which to complete it. This notice identifies the deficiency and includes a cost estimate for the needed repairs. The repair must be made in accordance with City standards and performed by a bonded contractor with an "A" or "C-8" license. A City permit is also required for this work.

The property owner has the option to hire their own contractor, or enter into an agreement with the City for the repairs. With the latter option, a City hired contractor would perform the repairs at competitive prices. The City offers various payment options: 1) the repair cost could be paid in full by owner or lessee; 2) owners can enter into a pay back agreement for the cost of repairs plus a 10% administrative fee with a 12 month (interest free) payment plan that the City's Finance Department would bill monthly; or 3) the repair cost could be added to the property tax bill (including County administrative fees and interest) for collection by the County of Santa Cruz.

A property owner can appeal the repair notice to the City Council by filing a Notice to Appeal with the City Clerks office. The appeal process is outlined in the Watsonville Municipal Code under Title 1, Chapter 4. For more information on the appeal process, please contact the City Clerks office at (831) 728-6005.

For additional information or any questions regarding maintenance of sidewalks, driveways curbs and gutters, please contact Ms. Rosemarie Dow of the Public Works and Utilities Department at (831) 728-6175.

Sincerely,

David A. Koch
David A. Koch

Public Works and Utilities Department Director

Attachment A: Watsonville Municipal Code (Chapter 2) and page 292 of the Improvement Act of 1911

P.O. BOX 50000 WATSONVILLE, CA 95077-5000

County of Santa Cruz

Jurisdiction Profile

A-45

Santa Cruz County Municipal Code

<http://www.codepublishing.com/ca/santacruzcounty/>

Jurisdiction Profile: County of Santa Cruz

Information provided by Jack Sohriakoff

Baseline Information:

- 640 road miles (centerline)
- Approximately 25% of roads have sidewalks
- In general, sidewalks in urbanized areas (Aptos, Soquel , Felton, etc.) are maintained by the adjacent property owners or business association.

(1) Conduct jurisdiction-wide audits to identify sidewalks that do not meet standards.

- The County has a complaint-driven sidewalk maintenance program
- No formal inventory of sidewalk conditions is performed
- There is no current process for determining the percent of sidewalks that are in compliance, nor are there goals for achieving a level of compliance for safe and accessible sidewalks.
- DPW will check in with other counties or professional organizations to identify processes used in performing sidewalk audits.
- Ideas discussed for conducting sidewalk audits include:
 - Include sidewalk assessments with annual inspections of signs by county staff beginning with the urbanized areas in villages and towns
 - Consider alternative staff to perform audits (interns, volunteers, etc.)
 - Seek a new funding source to cover project costs
- Measure C requires County to send an annual report to the County about the status of bicycle and pedestrian facility construction. Although the measure primarily relates to new construction, rather than maintenance of existing facilities, it is an example of regular reporting practices.
- DPW will request that sidewalks be included on the GIS mapping system

(2) Report status of the entire jurisdiction's sidewalk network annually.

- This information is not currently gathered or reported.

(3) Implement administrative processes that ensure prompt resolution of safety and access issues

- County staff inspects complaints
- If the sidewalk issue is related to a County-maintained drainage system, curb inlets, culverts, etc, then County fixes problem
- DPW sends a letter to property owner requiring them to fix the problem using a licensed contractor (no list provided)
- DPW requests that the property owner address vegetation hazards within 2 weeks. There is a 30-day time requirement for property owners to address other types of hazards/exposures. If property owners do not fix the problem within a specified time limit we may elect to have our crews perform the work and charge the property owner accordingly.

- If improvements are minor or considered basic maintenance, then no permits are needed. Otherwise if the work is considered major and requires inspections, the property owner will need to secure permits and pay fees.
- DPW assumes that property owners comply with notices to correct sidewalk conditions so a formal enforcement process has not been developed.
- DPW plans to develop a "tickler" file to determine whether or not the work is done
- The County aims for 100% of complaints to be corrected.

(4) Promote the community value of property owners maintaining safe and accessible sidewalks

- A marketing/outreach plan to promote a community value of safe and accessible sidewalks has not been developed.

(5) Inform residents of the jurisdiction's program for ensuring the maintenance of safe and accessible sidewalks.

- The County has no brochure or newsletter
- The County acknowledges it could put more program information, including sidewalk maintenance standards, on its website
- Other Outreach Ideas:
 - Insert program information in a waste management or property tax bill
 - Work with Traffic Safety Coalition, particularly on safe routes to school
 - Encourage Board members to solicit input from their constituents
 - Work with chambers of commerce to publicize sidewalk maintenance responsibilities
 - County road crews could inspect sidewalks adjacent to road and sign work
 - DPW would provide sidewalk maintenance brochures (if developed) at the many community meetings that county staff attend (schools, neighborhoods, etc.)
- The Pedestrian Safety Work Group volunteered to help develop outreach materials (draft, review, etc.)

(6) Create highly visible processes for reporting sidewalk safety and access issues

- Information regarding the process for reporting hazards/exposures is posted on the DPW webpage. Outreach public education regarding the process is limited.
- DPW receives the RTC's Pedestrian Access Report forms.

(7) Develop information and support resources for property owners seeking to address unsafe or inaccessible sidewalk conditions

- A description of the basic process for addressing sidewalk exposures is included in notices to property owners with noncompliant sidewalks.

- The information does not include a description of repair options or resources available for making repairs.
- Trees:
 - Root barrier design criteria included in notice to property owners. Barrier required if county does inspection.
 - Redevelopment Agency has a program to encourage property owners to plant trees provided by agency. How property owner plants trees is not monitored.

Appendix B

Benchmark Jurisdictions' Current Practices

City of Corvallis, Oregon
City of Fairfield, Ohio
City of San Jose, California

City of Corvallis, Oregon

Survey Results	B-5
Sidewalk Safety Program (Website)	B-11
Sidewalk Safety Districts Map	B-13
Guidelines for Public Sidewalk and Driveway Repairs	B-14
Policies / Interpretations / Procedures	B-17
Council Policy Manual (See CP 91-7.08) http://www.ci.corvallis.or.us/downloads/pw/Ccpol7-08sidewalk.pdf	
Corvallis Municipal Code (See Chapter 2.15) http://archive.ci.corvallis.or.us/DocView.aspx?id=212640	

Jurisdictional Programs to Facilitate Sidewalk Maintenance By Adjacent Property Owners

Survey Questions

Benchmark Jurisdiction: Corvallis, OR

Person Interviewed: Bruce Moser, Public Works, City of Corvallis

bruce.moser@ci.corvallis.or.us

(541) 754-1779

Website: <http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=519&Itemid=457>

Brief Summary The City of Corvallis, OR started their program to ensure property owners maintained their sidewalks about 20 years ago. The city currently inspects 1/10 of the jurisdiction every year (all of the jurisdiction every 10 years). Property owners of non-compliant sidewalks are notified that they are responsible to repair their sidewalks within 90 days of notification. The city offers to repair the sidewalks by the city contractor for typically a less expensive cost to the property owner. If the property owner does not make the repairs, the city takes them to court with the potential of a \$2500 fine and the property owners have always made the repairs. Typically the city contractor repairs 95% of the sidewalks and property owners repair 5% of the sidewalks through their own contractors.

The city has a commitment to 100% compliance of the areas inspected per year.

Demographics

1. What is the population of your jurisdiction?
54,000
2. What percentage of the population lives in urban versus rural settings?
90% Urban
10% Rural

Standards

3. Does your jurisdiction have defined standards for sidewalk pavement condition and accessibility? If so, what are the sources of the standards?
x Defined standards in which document: Newsletter
 Basis – Explain ADA standards on Federal Register - maximum 2% cross slope, maximum 1/2" lip, maximum 1" gap. Note: Standards do not address poor quality cement where aggregate can pop out. This type of sidewalk condition is hard to measure. It is written in the

code that the city engineer or agent can make determination that the sidewalks are out of compliance due to being too rough.

Outreach

4. How are property owners informed of their responsibility to maintain their sidewalks in safe and accessible condition?

☐ Brochure
☐ Website
☒ Newsletter Yearly
☐ Real estate agent at time of house purchase
☒ Other – Explain

1- It is written in the city municipal code.

2- Letters are sent out every year to all property owners who will have their sidewalks inspected that year. (1000's of letters/year).

Objectives

5. Has your jurisdiction made a commitment to having a certain percentage of sidewalks comply with safety and access standards within a specified timeframe? If so, what are the commitments?

☐ No
☐ Yes _____% of sidewalks will conform to standards within _____years
☒ Other – Explain
City is committed to 100% compliance every year for the inspected portion (1/10)

of the city.

6. Are the commitments for compliance different for sidewalks maintained by your jurisdiction and those for which property owners are responsible?

☐ No
☐ Yes - Explain

7. Does the jurisdiction have a method for measuring and reporting year to year improvement in the percentage of sidewalks that are in compliance?

☐ No
☒ Yes - Explain
City gets 100% compliance every year for the inspected portion (1/10th) of the

city.

Identification of Sidewalks in Need of Repair

8. Does the jurisdiction regularly perform jurisdiction-wide audits of sidewalk safety and accessibility? If so, how often are these audits conducted?

 x Yes, every 10 years the sidewalks throughout the jurisdiction are inspected.

 No

9. Can you provide an estimate of staff time and resources required to perform these audits?

 Staff hours per year

 Other resources

10. What methods are available for citizens to report hazards or barriers to accessibility?

 x Jurisdiction website online/downloadable form

 x Phone calls taken to report hazard/barrier 90%

 x Emails taken to report hazard/barrier

 Paper form provided at jurisdiction

 x Other - Explain

Advocates raise issues to committees.

11. Does your jurisdiction coordinate with neighboring jurisdictions to ensure consistency of programs? If yes, please explain. Corvallis's program is a model program. Other jurisdictions call wanting information of how they run their program (6 to 10 calls per year).

12. On a yearly basis, approximately what ratio of non-conforming sidewalks is identified by jurisdiction inspections versus citizen complaints?

Majority Jurisdiction Inspections

20-30/year Citizen Complaints

Methods for Enforcement of Property Owner's Responsibility to Maintain Sidewalks to Standards

13. Are there ordinances or codes requiring property owners to maintain sidewalks to jurisdictional standards? Yes, municipal code.

14. Does the ordinance or code require the property owners to bring sidewalks into compliance within a specified timeframe? If so, what is the timeframe? Yes, 90 days.

15. What is the process for notifying property owners of their responsibility to maintain their sidewalk to standards?

- ☒ Property inspected prior to notification to verify non-compliance
- ☒ Notification by letter
- ☐ Notification by phone
- ☒ Other - Explain

The city sends the first letter telling all property owners in the area to be inspected, that they are coming out to inspect the sidewalks. Inspection takes place and any sidewalks out of compliance are marked. A letter is sent to notify the property owners that their sidewalk is not in compliance and they need to have it repaired within 90 days. In this letter, the city offers to have the sidewalk be repaired by the city contractor and provides an estimate of the cost. Typically 90-95% of the people have the city do the work. The property owners need to tell the city within 30 days if they want to be in the contract. City opens the job up for a bid and then City sends another letter (certified mail) to property owners telling them the exact cost. The property owners have 2 weeks to send in a check (but they really give them more time). The cost is typically about \$250/panel. If do not hear from property owner, they inspect to see if sidewalk is fixed. If not they send them a terse letter that they are in violation of the city code. At this point, the City may get a few more people who want to have their sidewalks repaired by the city contractor and they are charged a slightly higher cost (\$300/panel). If people do not repair, the city takes them to court and then they make repair so they do not have to pay \$2500 fine. 95% of people willing to make the repairs, 4% wait until the last minute, 1% do not make repairs and they are taken to court.

If a complaint is made about a sidewalk, process is similar but may not be the right time frame for the city contractor to be able to make the repairs.

16. How and when do you follow up after notifying a property owner of a noncompliant sidewalk to assess whether a repair is being initiated?

See above.

17. Are licensed contractors, inspections and standards for concrete repair required?

Licensed contractors and inspections are required for both the city contractor and by the property owners contractor.

18. In practice, will the jurisdiction initiate repairs if property owner does not make repairs within specified timeframe?

Yes!

Financing

19. If your jurisdiction makes repairs, following property owner failure to make the repairs within the specified timeframe, do you bill the property owner?

City takes the property owners to court and property owners then make repairs.

20. Will the cost of repair be added to the property tax, a lien put on house, or addressed by some other method? Please explain.

City never had to do this as once the property owner is taken to court, they are motivated to make the repair.

21. If a lien is used, where does the funding come from to cover the costs until the house is sold?

Not applicable. See 19 and 20 above.

22. Does your jurisdiction pay for any sidewalk repair on property adjacent to private property such as vegetation removal, grinding of sidewalks, or repair due to street tree damage? No

___ Vegetation removal
___ Grinding of sidewalks < ___ inches
___ Repair due to street tree damage

City puts in ADA ramps and is on track for 100% compliance for ADA ramps in 2012.

23. Does your jurisdiction offer any programs to assist property owners who cannot afford repairs?

___ No
x Yes – Explain The City provides hardship loans to be paid monthly over a year.

Resources

24. Approximately, how much staff time in your agency is devoted to working on sidewalk programs/projects and in particular programs that facilitate private property owner maintenance of their sidewalks?

___ FTE or Staff hours per week on sidewalk programs
1 FTE or Staff hours per week on property owner sidewalk maintenance programs

25. Have you received grants to assist with any of the above sidewalk-related activities?

___ No

____ If yes, what activities are funded and what was the source of funds?
City has received grants to put in ADA ramps and pads and landings at transit stops.

26. Can your agency share any forms, tools or efficiency tips? (public education, property owner notification, tracking of property owner repairs, notices of non-compliance, documents relating to jurisdiction initiated repairs)

City uses a computer program that tracks permits and it has a sidewalk component. It can access homeowners' information.

27. What major challenges did you encounter in the design and implementation of your program? How were these issues addressed?

Sweetgum trees are destroying sidewalks at a rapid pace. Sometimes even as quick as 5 months after a repair! About 70% of the sidewalk repairs are due to street tree damage that the property owners have to pay for even though the trees were put in as part of a street tree program many years ago. There is a street tree ordinance which makes it challenging for property owners to take out their street trees. He has looked into all sorts of different ideas to deal with the problem such as rubber sidewalks, alternate types of concrete installation such as interlock and wiring that will lift 2 or more panels together. There is a list of street trees that are not a problem on their website.

28. Do you have other comments or suggestions?

The inspectors and contractors making the repairs are the city's representatives out in the community. They are taking a hard message out to the community. It is important that they have the skill to interface with the public in a positive, informed manner.

The street tree program should be communicating with the sidewalk program.

The November city council meeting will have an item to propose that the city charge additional property tax fees so that the city will have funds to repair the sidewalks instead of the property owners.

Sidewalk Safety Program (Website)

(Last Updated, Wednesday, March 04 2009)

The goal of the Sidewalk Safety Program is to repair and replace hazardous sidewalks and to construct incomplete sections of the sidewalk system over time. The City has a responsibility to ensure that sidewalks are maintained for the community as a whole, including upgrading corners to provide wheelchair ramps, maintaining new public alley approaches, and repairing sidewalks adjacent to City-owned property.

The effort to ensure sidewalks are maintained in safe condition is shared by property owners. Property owners are responsible for the construction and maintenance of sidewalks and driveway approaches next to their property's frontage. Chapter 2.15 of the City's Municipal Code establishes the property owners' responsibility for repair and their liability in case of an accident. Any time a sidewalk's condition is noted as presenting a safety hazard to pedestrians, the City notifies the property owner that repairs are required and then follows up to ensure the repairs are completed.

In addition to notifying property owners of unsafe sidewalks as they are noted by City staff or are reported by pedestrians, the City also conducts an annual Sidewalk Safety Program. Each year, one of eleven sidewalk districts is surveyed for sidewalks in need of repairs. The repair criteria are specific (see below). The property owners are notified of the need for repairs, and they are offered the opportunity to participate in the City's repair contract. The City puts the total work out to bid, with the bid going to the lowest responsive, responsible bidder, in accordance with State of Oregon purchasing and contracting guidelines. Property owners are then notified of the actual costs to perform their repairs based on the low bid, and they must make payment in full to the City before the contractor performs the work.

Frequently Asked Questions about the Sidewalk Safety Program

Why have I received notice from the City to repair my sidewalk?

The City has established safety criteria for our sidewalks that are being applied uniformly throughout the community. The criteria are specific in what constitutes a needed sidewalk repair.

1. All year-round, property owners are notified of unsafe sidewalks as they are noted by City staff or are reported by pedestrians.

2. Each year, one of eleven sidewalk districts is surveyed for sidewalks in need of repairs. Property owners are notified and given an opportunity to participate in a large, City-coordinated contract. Notices for the Annual Sidewalk Safety Program are usually mailed in November or December.

What options do I have to repair my sidewalk?

If the case number in the subject line of your letter starts with VIO, your notification was not part of the City's Annual Sidewalk Safety Program, and you will be responsible for coordinating the repairs yourself (see the next question, "How do I arrange for sidewalk repair?").

If the case number in the subject line of your letter starts with SWD, you have been notified during the City's Annual Sidewalk Safety Program which focused on your sidewalk district, and you will have two options each with different advantages. Choose the option that's best for you:

1. You can arrange for the work to be done yourself.

Work gets done faster.

You choose your own contractor.

You have direct control over the work.

You coordinate bids, permits and inspections.

2. You can have the City coordinate the repair work.

Bidding and contract award process may slow completion of the work.

Actual cost will not be known until the City's bid process is complete.

The City may be able to obtain a lower price due to quantity of work contracted.

The City will administer the repair contract, including coordinating bids, permits and inspections.

How do I arrange for sidewalk repair?

A permit must be obtained from the City's Development Services Division at 501 SW Madison Avenue for all sidewalk repairs except grinding.

The permit fee is \$10. The work needs to be done to City construction standards by a licensed concrete finisher. Property owners who apply for permits to do sidewalk repairs themselves (but do not plan to have the work done by a licensed concrete finisher) must sign a statement of understanding of current applicable City standards and submit proof of insurance (including a clause showing the City as an additional insured party) in the following amounts:

Each occurrence: \$1,000,000

Personal & Adv Injury: \$1,000,000

General Aggregate: \$1,000,000

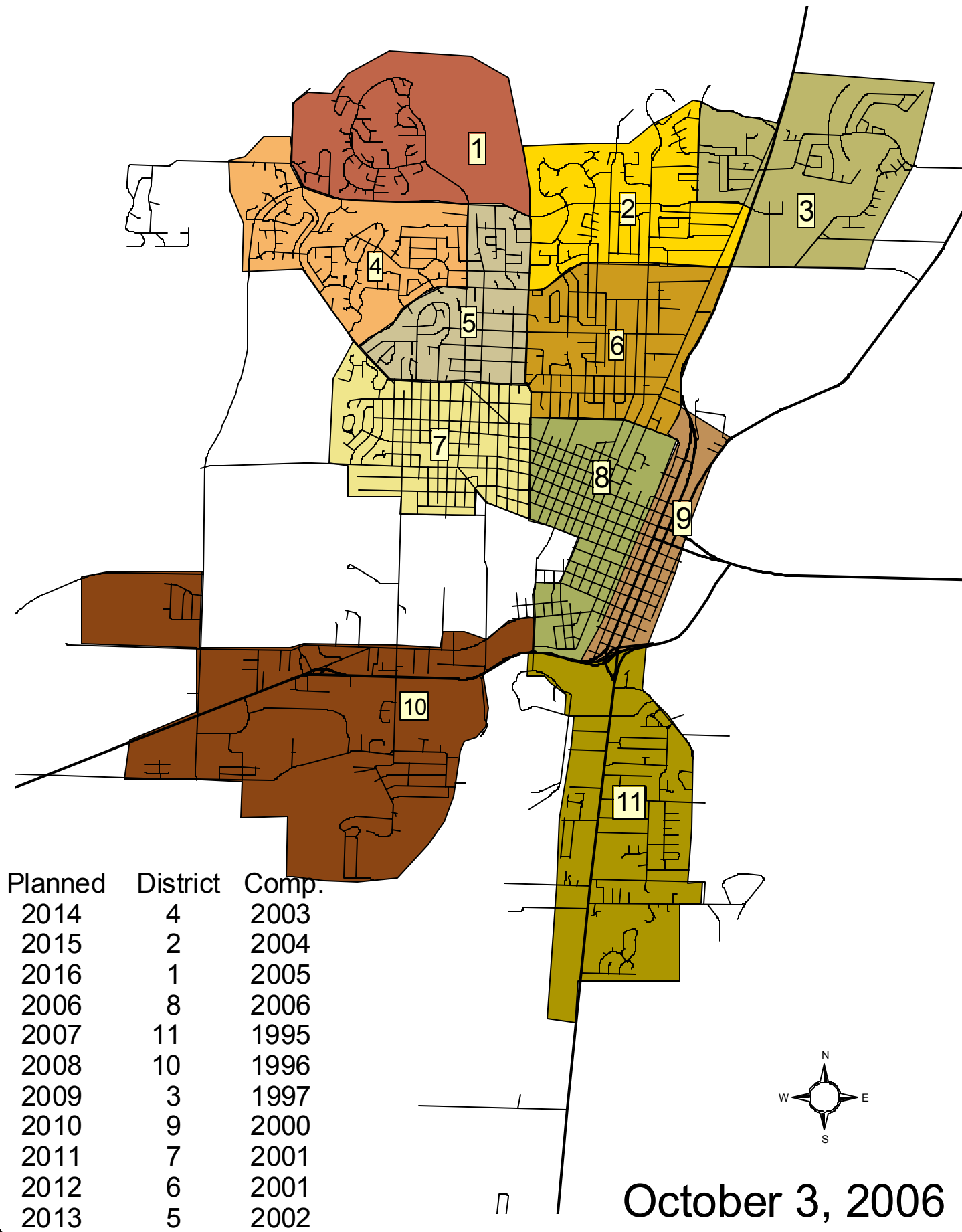
Comp/Op Aggregate: \$1,000,000

For more information, contact the Development Services Division at 541-766-6929. After receiving notice about the specific repairs needed, you will have 60 days from the notice date to complete the work. If I decide to let the City do the work, what do I need to do? You will need to submit the request form included with the sidewalk repair notification letter sent by the City. The City will then bid your repairs as part of a larger sidewalk repair project and notify you of actual costs once bids are received. Actual costs will include an administrative fee equal to the current permit fee for such work. What are typical sidewalk repair costs for repairs coordinated by the City?

Sidewalk removal and replacement can range from \$8.00 and \$10.00 per square foot. Sidewalk grinding is estimated at \$10.00 to \$12.00 per lineal foot. For more information or to report a sidewalk hazard, call the Public Works Department at (541) 766-6916. For more information on obtaining a construction permit for a sidewalk repair, contact The City of Corvallis, Community Development Department, Development Services Division, (541) 766-6929.

Corvallis, Oregon

Sidewalk Safety Districts



Planned	District	Comp.
2014	4	2003
2015	2	2004
2016	1	2005
2006	8	2006
2007	11	1995
2008	10	1996
2009	3	1997
2010	9	2000
2011	7	2001
2012	6	2001
2013	5	2002

CITY OF CORVALLIS, OREGON

GUIDELINES FOR PUBLIC SIDEWALK AND DRIVEWAY REPAIRS

These guidelines shall be used to determine when and to what extent public sidewalk driveway approach and alley approach repairs shall be required.

Removal and replacement or repairs shall be required whenever a public sidewalk or driveway approach is in a hazardous or unsafe condition. A hazardous or unsafe condition shall be determined by the limits as set forth in these guidelines in conjunction with the judgement of the City Engineer or designated representative.

DEFINITIONS

- Panel: A panel is any section defined by joints, or score marks or an approximate square when joints do not exist.
- Driveway Approach: A driveway approach is that portion of the driveway between the curb and the property line.
- Alley Approach: An alley approach is that portion of an alley between the curb and property line side of the sidewalk or right-of-way.
- Public: Any facility within the public right-of-way between the property line and street curb or surfacing.

CONDITIONS REQUIRING REPAIR OR CONSTRUCTION

The following is a listing of the criteria by which a sidewalk is considered hazardous or unsafe and therefore may require removal and replacement or repairs. Removal and replacement or repairs may be required based on any one of the items individually or a combination of the items. These criteria should be used as guidelines with judgement and discretion used in their application.

Removal and Replacement

Removal and replacement of complete panels is required when any of the following conditions exist:

- A vertical separation of more than 1-inch at either a joint or crack.
- A horizontal separation of 1 inch or more at either a joint or crack.
- The cross slope of sidewalks is greater than 3/4" per foot (1:16).
- Water ponds due to insufficient cross slope or misalignment. Removal and replacement shall not be required if the problem is corrected by modifications to

adjacent landscaping or obstructions.

- Severely rough, uneven surface due to scaling or spalling that would cause a tripping hazard.
- Severe cracking resulting in multiple loose or unstable individual pieces within a panel.

Grinding

Grinding is required when any of the following conditions exist:

- A vertical separation between 1/2-inch and 1-inch at the joint. Ground surfaces shall have a maximum slope of 1.5 inches per foot (1:8). Ground surfaces 4 inches or more in width shall be roughened.

OTHER CONDITIONS

Tree Roots

The following alternatives may be used to repair sidewalks affected by adjacent tree roots. Please consult a licensed arborist regarding these options.

- The sidewalk may be rerouted around the offending roots. Rerouting of the sidewalk may require dedication of an easement to the City for the sidewalk.
- The sidewalk may be ramped over the tree roots, provided the longitudinal slope does not exceed 1 inch per foot (1:12).
- The sidewalk may be removed and replaced after the tree roots have been pruned by a licensed arborist.
- Remove tree (permit required from the Parks and Recreation Department) and replace sidewalk. This option should be considered only if other remedies are impractical.

General

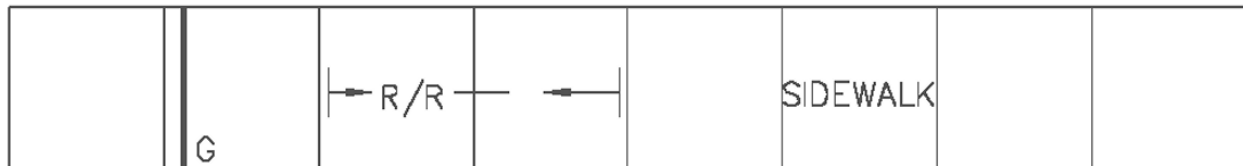
- Gravel or asphaltic concrete driveway and alley approaches shall be replaced with concrete where street curb and sidewalk exist.
- Abandoned or vacated driveway and alley approaches shall be removed and curb and sidewalk constructed across the abandoned section.
- Ambulatory ramps will be installed at all intersections in conjunction with the Safety Sidewalk Program annual repair districts as City funds allow.


- Sidewalks shall be installed to complete gaps and missing sections when other segments of adjacent sidewalks exist between intersections in accordance with Council Policy 7.08.022.


Standard Construction Specifications

- All public sidewalk, driveway approach, alley approach, and ambulatory ramps shall be constructed in accordance with the City's Standard Construction Specifications, latest edition.

Sidewalk Marking Codes




 = Grind panel edge


 = Remove and replace sidewalk panels between "tee" marks

Updated 11/7/05



Community Development

Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477
FAX (541) 766-6936

Policies / Interpretations / Procedures

POL 1022

Adopted: December 4, 1989
Last Reviewed: December, 2009

REQUIRED QUALIFICATIONS FOR THE INSTALLATION OR REPAIR OF SIDEWALKS, CURBS, OR DRIVEWAYS IN THE PUBLIC RIGHT-OF-WAY

Policy Summary:

Specifies the qualifications for individuals who apply for permits to install or repair any accessible concrete, including sidewalks, driveway/alley approaches, bike lanes, or curbs/gutters in the public right-of-way as outlined in Section 2.15.080 of the City Municipal Code.

Background:

Until January of 1995, the City Municipal Code had required City "cement finisher's licenses" for anyone engaged "in the business of constructing or repairing any sidewalk, curb, or driveway in the public right-of way..." Because of a conflict with ORS 701.055, the cement finisher's licensing requirement was deleted; however, the City continued its desire to ensure these individuals were aware of City standards, had appropriate experience, and maintained appropriate levels of insurance. This policy provides a summary of the required qualifications.

Discussion:

Section 2.15.080 of the Municipal Code states as follows:

No person shall accept remuneration for constructing or repairing any sidewalk, driveway approach, or curb in the public right-of-way unless the person is registered with the Construction Contractors Board, and has demonstrated to the satisfaction of the City Manager the ability to perform the work in a workmanlike fashion according to the City's specifications.

In order to demonstrate the ability to perform work as stated above, an individual must possess knowledge of the current applicable City standards. A person who accepts remuneration for this type of work must be registered with the CCB; consequently the City has some assurance the

individual is bonded and has some experience. Additionally, these individuals are required to sign a statement indicating that he/she understands the applicable City standards.

This policy also applies to those who are not accepting remuneration as described in Section 2.15.080 cited above. These individuals are not required to possess a CCB registration; however, he/she must also sign a statement indicating that he/she understands the applicable City standards and must submit proof of insurance.

Some sidewalk repairs are accomplished by grinding panels to alleviate trip hazards. A sidewalk repair permit is required for grinding but the individual making a repair by grinding does not need to meet these qualification requirements.

Policy:

Individuals who apply for permits to install or repair sidewalks, bike paths, driveway/alley approaches, or curbs in the public right-of-way as outlined in Section 2.15.080 of the City Municipal Code and who are accepting remuneration for these services must meet the following criteria:

- Pay the one-time \$25.00 registration fee, and,
- Sign a statement indicating that he/she has reviewed and understands the current applicable City of Corvallis standards, and
- Show a current registration with the CCB, maintain this registration and submit proof of and maintain insurance in the following amount (including a clause showing the City as an additional insured party-example: *The City of Corvallis, it's officers, agents, and employees shall be additionally insured with respect to operations performed within the City of Corvallis*):

General Liability:

Each Occurrence	\$1,000,000
Personal and Adv Injury	\$1,000,000
General Aggregate	\$1,000,000
Comp/Op Aggregate	\$1,000,000

If at any time the CCB registration or insurance lapses, the individual must reapply using the same steps outlined above.

Property owners who apply for permits to install or repair sidewalks, bike paths, driveway/alley approaches, or curbs/gutters in the public right-of-way adjacent to their property and who are not accepting remuneration for these services must meet the following criteria:

- Sign a statement indicating that he/she has reviewed and understands the current applicable City of Corvallis standards, and
- Submit proof of and maintain insurance for the duration of the project in the following amount (including a clause showing the City as an additional insured party - example: *The City of Corvallis, it's officers, agents, and employees shall be additionally insured with respect to operations performed within the City of Corvallis*):

Personal Liability:

Each Occurrence	\$1,000,000
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NEXT SCHEDULED REVIEW: December 2011

City of Fairfield, Ohio

Survey Results	B-23
Sidewalks (Website)	B-29
Notice to Repair Letter	B-32
Legal Notice to Repair Letter	B-33
Sidewalk Apron Inspection Report	B-34
Address list of Sidewalks in Need of Repair Spreadsheet	B-35
Sidewalk Replacement Program Brochure	B-37
Fairfield Municipal Code	
http://www.fairfield-city.org/devservices/governingcodes.cfm	

Jurisdictional Programs to Facilitate Sidewalk Maintenance By Adjacent Property Owners

Survey Questions

Benchmark Jurisdiction: Fairfield, OH

Person Interviewed: Don Brill, Public Works Department, City of Fairfield

dbrill@fairfield-city.org

(513) 867-4218

Website: <http://www.fairfield-city.org/publicworks/sidewalks.cfm>

Brief Summary The city of Fairfield, OH started their program to ensure property owners maintained their sidewalks about 15 years ago due to a couple of lawsuits and the city's insurance rates going up. The city currently inspects ¼ of the jurisdiction every year (all of the jurisdiction every 4 years). Property owners of non-compliant sidewalks are notified that they are responsible to repair their sidewalks within 60 days of notification. The city offers to repair the sidewalks by the city contractor for typically a less expensive cost to the property owner than if they were to do it through their own contractor. Typically the city repairs 95% of the sidewalks and property owners repair 5% of the sidewalks through their own contractors. If the sidewalk is not repaired within 60 days of notification, the city will make the repair. The property owners are billed by the city for the repair. At the property owners request or if they do not pay the bill, the cost is added to the property tax to be paid over a 5 year period. The city has a commitment to 100% compliance of the areas inspected per year.

Demographics

29. What is your jurisdiction – a city, county? Incorporated city (no downtown) What is the population of your jurisdiction? 42,000

30. What percentage of the population lives in urban versus rural settings?

99% Urban

1% Rural

Standards

31. Does your jurisdiction have defined standards for sidewalk pavement condition and accessibility? If so, what are the sources of the standards?

yes Defined standards in which document: Brochure
___ Basis - Explain
Don said the standards were defined by their city or possibly other neighboring cities with similar programs. [No crack > 0.5", no lip > 0.5", no concrete spalling (surficial breakdown of concrete due to salting for snow and ice)]

Outreach

32. How are property owners informed of their responsibility to maintain their sidewalks in safe and accessible condition?

- x Brochure
Public Works sends out brochure to property owners who need to make repairs after city-wide inspections determine what sidewalks need replacement.
___ Website
___ Newsletter
___ Real estate agent at time of house purchase
___ Other - Explain
City Council passes ordinance each year requiring property owners to maintain their sidewalks.

Objectives

33. Has your jurisdiction made a commitment to having a certain percentage of sidewalks comply with safety and access standards within a specified timeframe? If so, what are the commitments?

- ___ No
___ Yes _____% of sidewalks will conform to standards within _____years
x Other – Explain
100% of sidewalks inspected every year will conform to standards by the end of the year (if not sooner!). The 12 square mile jurisdiction is broken into 4 areas and 1 area is inspected every year, all 4 areas are inspected every 4 years. Last year, the number of sidewalk repairs was 546.

34. Are the commitments for compliance different for sidewalks maintained by your jurisdiction and those for which property owners are responsible?

- x No
___ Yes - Explain

35. Does the jurisdiction have a method for measuring and reporting year to year improvement in the percentage of sidewalks that are in compliance?

- ___ No
___ Yes - Explain

They have 100% compliance from year to year for the area inspected.

Identification of Sidewalks in Need of Repair

36. Does the jurisdiction regularly perform jurisdiction-wide audits of sidewalk safety and accessibility? If so, how often are these audits conducted?

 x Yes, every 4 years the sidewalks throughout the jurisdiction are inspected.

 No

37. Can you provide an estimate of staff time and resources required to perform these audits? He did not give this estimate separate from the total estimate of time for whole program.

 Staff hours per year

 Other resources

38. What methods are available for citizens to report hazards or barriers to accessibility?

 Jurisdiction website online/downloadable form

 x Phone calls taken to report hazard/barrier Most common method

 x Emails taken to report hazard/barrier

 Paper form provided at jurisdiction

 x Other - Explain

Call city councilman

39. Does your jurisdiction coordinate with neighboring jurisdictions to ensure consistency of programs? If yes, please explain. Not really, they all have their own programs with similar philosophy. Initially, they borrowed ideas from the neighboring jurisdictions of Hamilton and Middletown, OH.

40. On a yearly basis, approximately what ratio of non-conforming sidewalks is identified by jurisdiction inspections versus citizen complaints?

 Jurisdiction Inspections

 Citizen Complaints

Estimate of less than 25/year out of a total of 546 for last year (less than 5%) of the repairs due to citizen complaints versus city inspections.

Methods for Enforcement of Property Owner's Responsibility to Maintain Sidewalks to Standards

41. Are there ordinances or codes requiring property owners to maintain sidewalks to jurisdictional standards? Yes, he will send.
42. Does the ordinance or code require the property owners to bring sidewalks into compliance within a specified timeframe? If so, what is the timeframe? Yes, 60 days.
43. What is the process for notifying property owners of their responsibility to maintain their sidewalk to standards?
- x Property inspected prior to notification to verify non-compliance
- x Notification by letter Certified
- Notification by phone
- x Other - Explain
- If they do not get back the receipt of a certified letter, they will hand deliver the letter.
- Property owners are notified from their address on the tax form.
44. How and when do you follow up after notifying a property owner of a noncompliant sidewalk to assess whether a repair is being initiated?
- City follows up by making repairs after 60 day period and billing the property owner. People are supposed to call if they initiate repair. If there is no response to the notification, city contractor goes there to repair and if repair is already complete they move onto the next repair.
45. Are licensed contractors, inspections and standards for concrete repair required?
- Licensed contractors are not required but he wishes they were. Inspections (prior to pouring concrete) and standards for concrete are required. If city contractor is used, no inspections required. City contractor will guarantee their work for 1 year or will replace.
46. In practice, will the jurisdiction initiate repairs if property owner does not make repairs within specified timeframe? Yes – Don did not have an estimate of how many repairs were made by city due to property owner not responding to notification.

Financing

47. If your jurisdiction makes repairs, following property owner failure to make the repairs within the specified timeframe, do you bill the property owner? Yes

48. Will the cost of repair be added to the property tax, a lien put on house, or addressed by some other method? Please explain. The cost of repair will first be billed to the property owner and if they do not pay then the city will add cost to their property taxes to be paid over a 5 year period.
49. If a lien is used, where does the funding come from to cover the costs until the house is sold? The cost comes out of the General Fund to pay the contractor until the money is paid back by the property owner.
50. Does your jurisdiction pay for any sidewalk repair on property adjacent to private property such as vegetation removal, grinding of sidewalks, or repair due to street tree damage? No. City will not plant street trees unless property owner wants them.
- ___ Vegetation removal
 ___ Grinding of sidewalks < ___ inches
 ___ Repair due to street tree damage
51. Does your jurisdiction offer any programs to assist property owners who cannot afford repairs?
- ___ No
x Yes – Explain The property owner can pay off the repair through their property taxes over a 5 year period

Resources

52. Approximately, how much staff time in your agency is devoted to working on sidewalk programs/projects and in particular programs that facilitate private property owner maintenance of their sidewalks?
- ___ FTE or Staff hours per week on sidewalk programs
 ___ FTE or Staff hours per week on property owner sidewalk maintenance programs
 They have 2 part-time inspectors each working 21 hours/week on property owner sidewalk maintenance programs for 10 months out of the year. 42 hours/week total for 10 months
53. Have you received grants to assist with any of the above sidewalk-related activities?
- x ___ No
 ___ If yes, what activities are funded and what was the source of funds?

54. Can your agency share any forms, tools or efficiency tips? (public education, property owner notification, tracking of property owner repairs, notices of non-compliance, documents relating to jurisdiction initiated repairs) Don will send a package of information about their program, forms they use, and computer programs and spreadsheets. They use a computer program generated in their office (database?) for office information and excel spreadsheet for information to bring in the field.
55. What major challenges did you encounter in the design and implementation of your program? How were these issues addressed? Initially it was challenging to get the citizens to understand the importance of the program and why it was so important but now everyone understands the expectations.
56. Do you have other comments or suggestions? Important to have trained inspectors in the field that have some PR skills in order to help property owners buy in to the importance of the program.

Other information:

The costs of sidewalk repair by the city contractor for one block 4' x 4' is \$112 and for 5' x 4' is \$140.

City pays for wheel chair ramps.

Sidewalks (Website)

Homeowner Responsibilities

Property owners are responsible for maintaining sidewalks adjacent to their homes and businesses.

If you have noticed broken, settled or missing sidewalks around the City which present a tripping hazard to pedestrians, please make note of the location and contact the Construction Services Division at 513-867-4218 or through the online form.

The City will then contact the property owner about making needed repairs.

If you have broken, settled or missing sections of sidewalk or driveway aprons on your property, you may be required to participate in Fairfield's annual sidewalk replacement program.

The Public Works Department works closely with the property owner to identify potential hazards and schedule the replacement work with a qualified contractor, selected through the city's bidding process.

The sidewalk inspectors inspect the construction work to ensure a quality finished product. Schedule an inspection online.

For more information about the concrete improvement program, please call the Construction Services Division of the Public Works Department at 513-867-4218.

How the Program Works

Annually, certain areas are scheduled for inspection based upon a rotation such that all areas of the city are inspected once every four years. Inspections are performed by Public Works Department employees, and sidewalk sections in need of replacement are marked with paint and recorded.

Once marked, a notice is sent to the property owner by certified mail advising that replacement is necessary. If replacement has not been made by the deadline date stated in the letter, the City will cause the replacement to be made by its contractor.

Following completion of the work, the owner will be billed by the City's Finance Department. Property owners have 30 days in which to pay the bill for replacement. If you choose not to pay, an assessment will be applied against your tax duplicate and collected as an addition to your property taxes over a five-year period.

A nominal interest charge on any unpaid balance will be added to the amount of assessment when certified to the county auditor for collection with property taxes.

Take Your Pick — the City's Contractor or Yours

Property owners may choose to use the city's contractor; make the necessary replacement themselves; or hire a contractor of their choice.

Despite who performs the replacement, all work must be completed according to the City of Fairfield's standards and requires inspection by the city.

The successful bidder for the city's concrete contract is insured and bonded, and city inspectors will check all work performed by the contractor prior to payment.

For those persons performing or contracting their own work, inspection should be arranged by calling the Construction Service Division at 513-867-4218 at least 24 hours before placement of concrete.

Guidelines for Proper Sidewalk Replacement

1. Use Class C concrete with air entrainment.
2. Broom or swirl finish must be used.
3. Landscape must be replaced if disturbed during installation.
4. Curing compound must be applied the same day the concrete is placed.
5. Expansion joints must be placed every 40 feet of newly placed, continuous concrete sidewalk.
6. Work must be performed according to City of Fairfield standards:
 - Sidewalks are to be 4 inches thick.
 - Sidewalks between driveways and aprons are to be 7 inches thick.
 - Aprons also are to be 7 inches thick.
7. The Construction Service Division must be notified to perform the necessary inspections prior to placing new concrete.

A Note of Caution:

One of the problems with sidewalk replacement is spalling. This damage can occur on newly poured sidewalks due to the use of salt.

The City's contractor will spray a curing compound on the walk to help prevent spalling from occurring; however, it is a good idea not to use salt on your new walk for the first year. Sand or cinders can be used, as well as a number of non-salt de-icing products.

Guidelines for Deeming Sidewalks "Unsafe"

The items outlined below are those that help determine whether or not a sidewalk needs replacement:

- Any block having a crack more than 1/2-inch wide.
- Adjoining blocks or portions thereof whose edges differ vertically by more than 1/2-inch.
- Blocks that have holes in them 1/2-inch or larger in diameter or are cracked and broken so that pieces are missing or loose.
- Block having depressions, reverse cross-slope (sloping away from the street).
- Blocks having a cross-slope in excess of 3/4-inch vertical per one foot horizontal.
- Blocks that cause a change in longitudinal grade of the sidewalk of more than 3-inches in five feet.
- Blocks where the surface has broken away exposing a very rough surface of coarse stone (this condition is known as "spalling").
- Brick, stone or sandstone sidewalks are prohibited.
- Water stop boxes, gas stop boxes, etc., that are not to proper grade will be replaced.

Benefits of the Program

Fairfield requires developers to provide sidewalks, curbs, paved streets and driveway aprons for the use of pedestrians, as well as the motoring public.

These improvements were constructed to rigid specifications in order to assure a long, useful life. However, the strongest pavement materials wear out in time and need to be replaced. There are three major concerns that necessitate a replacement program.

First, the potential of injury due to falling on uneven or broken sidewalks. Our first concern should be the safety of residents and a sidewalk replacement program addresses this issue.

Second, the national rise in liability lawsuits against property owners. A sidewalk replacement program will significantly reduce the possibility of legal action being taken against residents.

Third, by assuring that sidewalks are replaced when necessary, the City keeps its insurance rates down, resulting in a savings of tax dollars for all citizens.

Sidewalks Ramps ... Who's Responsible?

The City assumes the cost for replacement of areas of sidewalk intersections where the sidewalk extends toward the roadway. These walks are called sidewalk ramps.

Private walks that extend out from the sidewalk (not at corner crossings) are the responsibility of the property owner.

March 2009

Dear Resident:

The sidewalk areas in front of your property were recently inspected by the City of Fairfield as part of its sidewalk replacement program. This program is designed to identify cracks and structural deficiencies on sidewalks, driveway aprons, and other such structures along the street in front of your property and to provide an efficient mechanism for the replacement of such problems.

The City of Fairfield apologizes for any inconvenience resulting from this notice. However, sidewalk replacement is an important method of reducing the potential for injury to citizens as well as the liability to you as a property owner and to the City.

As a result of the inspection on your property, the enclosed Exhibit "A" identifies the items in need of replacement which have been marked with paint.

You may arrange to complete this replacement yourself or hire a contractor of your choice. If you choose one of these options, we ask that the replacement be completed no later than sixty (60) days from the date you received this letter, and that you notify the City of your intentions to have the work performed by you or your own contractor. Please remember that replacement must be made in accordance with construction standards of the City of Fairfield. **In order to ensure that these standards are met, please contact the City's Construction Services Sidewalk Inspector at 867-4218 for an inspection when the forms are in place and twenty-four (24) hours in advance of the new concrete being poured.** By not notifying this office prior to the work being completed, there is no way of knowing if the work meets City standards. If the City is not properly notified, you may be required to remove the work and have it replaced again in order for the proper inspection procedures to occur.

As stated above, you have sixty (60) days to complete the work. After sixty (60) days, the City will contract for any replacement that has not been completed. The City's contractor will perform the work and you will receive a bill. The cost for the City's contractor to replace your sidewalk is \$6.40 per square foot of sidewalk and \$6.90 per square foot for the apron and the sidewalk area between the apron and your driveway. **The City requests you not send payment until you receive an invoice from the City.**

Should you choose to defer payment, the City will arrange for the cost of the replacement to be added to your property tax bill as an assessment. Such assessments are collected over a period of five (5) years and include an interest charge and a service charge of 7% on the unpaid balance.

If the City's contractor performs the work, please notify the City of any privately installed underground lines located near the marked sidewalk replacement area. Such lines might include invisible fences, sprinkler systems, cable television, and sump pump drain pipes. Every effort will be made by the City's contractor to avoid damaging these lines. **However, the City will not be responsible for damage to any privately installed underground services located within the public right-of-way.**

If there are any questions, or if you need additional information, please do not hesitate to contact the Construction Services Sidewalk Inspector at 867-4218.

Sincerely,



David Butsch
Public Works Director

DB:baw

LEGAL NOTICE

To: CITY OF FAIRFIELD PROPERTY OWNERS
IDENTIFIED IN THE ATTACHED EXHIBIT "A"

Please Take Notice That:

(1) On the 12th day of January, 2009, the Council of the City of Fairfield, Ohio, duly passed Resolution No. 1-09.

(2) Said Resolution No. 1-09 declared the necessity of replacing certain sidewalks (including aprons, if applicable).

(3) Under the provision of said Resolution you are required to replace the sidewalks (including aprons, if applicable) abutting your property as described in the attached Exhibit "A", in accordance with the plans and specifications heretofore prepared and now on file in the office of the Clerk of Council of said City of Fairfield.

(4) In the event said sidewalks (including aprons, if applicable) are not replaced within sixty (60) days from the date of service of this notice, the Council of said City will cause the replacement to be done and the cost of such replacement will be assessed against your property in the manner provided by law. You may pay the cost of the replacement directly to the City of Fairfield and not be assessed. **Do not remit payment until you receive a bill from the City of Fairfield.**

(5) If you have any questions, please contact the **Construction Services Division** at 867-4218.

By order of the Council of the City of Fairfield, Ohio.

Dena C. Morsch

Dena C. Morsch
Clerk of Council
City of Fairfield, Ohio

Exhibit "A"

City of Fairfield, Ohio

Sidewalk Apron Inspection Report



Reference Number:

510

Inspection Year

2010

Name:

FALCOM PROPERTIES

Street Address

5380 CAMELOT DR

FAIRFIELD

OH

45014

Inspected By

Don Brill

Inspection Date:

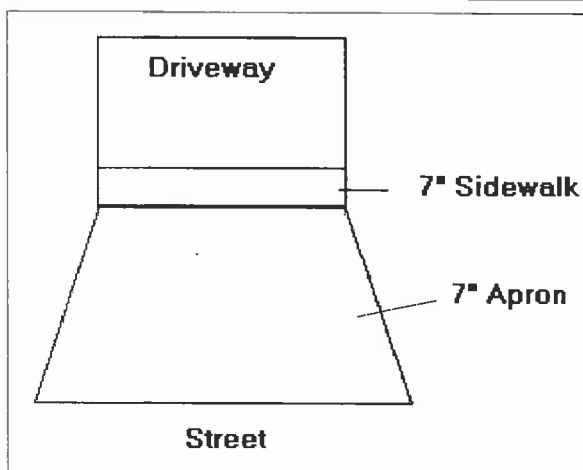
9/22/2009

Lot #

9496

Auditor #

A0700-174-000-163



Estimated Cost of Repairs

Number of 4" Blocks	Square Feet (4" concrete)	Cost per Ft:	Amounts
0.00	0.00	\$7.00	\$0.00
Number of 7" Blocks	Square Feet (7" concrete)		
2.00	230.00	\$7.50	\$1,725.00
Curbs	Linear Feet (Curbs)		
0.00	0.00	\$39.00	\$0.00
Total Estimated Cost:			\$1,725.00

Comments:

2-7" BLOCKS 4X5=40
APRON 10X19=190

Tuesday, September 29, 2009

I GENERATE THIS FROM USING EXCEL

2010 WARD 1										
WARD 1										
AS OF SEPTEMBER 30, 2009										
REF	ADDRESS		4"			7"		PRUSE	FF	REMARKS
#	NO.	STREET	BLOCKS	SQ FT	\$	SQ FT	\$			
101	5765	CRESTVIEW DR.	1	20	\$ 140.00	0	\$ -		\$ 140.00	
102	1	GILMORE CT.	1	16	\$ 112.00	0	\$ -		\$ 112.00	
103	3	GILMORE CT.	2	32	\$ 224.00	0	\$ -		\$ 224.00	
104	4	GILMORE CT.	1	16	\$ 112.00	0	\$ -		\$ 112.00	
105	5	GILMORE CT.	1	20	\$ 140.00	0	\$ -		\$ 140.00	
106	6	GILMORE CT.	0	0	\$ -	16	\$ 120.00		\$ 120.00	
107	7	GILMORE CT.	1	20	\$ 140.00	70	\$ 525.00		\$ 665.00	
108	5655	GILMORE DR.	1	16	\$ 112.00	0	\$ -		\$ 112.00	
109	5656	GILMORE DR.	1	16	\$ 112.00	0	\$ -		\$ 112.00	
110	5663	GILMORE DR.	1	20	\$ 140.00	16	\$ 120.00		\$ 260.00	
111	5672	GILMORE DR.	1	16	\$ 112.00	0	\$ -		\$ 112.00	
112	5679	GILMORE DR.	1	20	\$ 140.00	0	\$ -		\$ 140.00	
113	5680	GILMORE DR.	1	20	\$ 140.00	0	\$ -		\$ 140.00	
114	5690	GILMORE DR.	0	0	\$ -	66	\$ 495.00		\$ 495.00	
115	5720	GILMORE DR.	0	0	\$ -	0	\$ -		\$ -	WATER CAP MISNG
116	5728	GLMORE DR.	0	0	\$ -	54	\$ 405.00		\$ 405.00	
117	5765	GILMORE DR.	3	56	\$ 392.00	0	\$ -		\$ 392.00	
118	5774	GILMORE DR.	0	0	\$ -	60	\$ 450.00		\$ 450.00	
119	5558	PLANET DR.	0	0	\$ -	16	\$ 120.00		\$ 120.00	
120	5726	PLANET DR.	0	0	\$ -	144	\$ 1,080.00		\$ 1,080.00	
121	5774	PLANET DR.	1	16	\$ 112.00	0	\$ -		\$ 112.00	
122	2752	RESOR RD.	0	0	\$ -	146	\$ 1,095.00		\$ 1,095.00	
123	2760	RESOR RD.	1	24	\$ 168.00	0	\$ -		\$ 168.00	
124	2810	RESOR RD.	0	0	\$ -	100	\$ 750.00		\$ 750.00	
125	2818	RESOR RD.	0	0	\$ -	40	\$ 300.00		\$ 300.00	
126	2826	RESOR RD.	0	0	\$ -	130	\$ 975.00		\$ 975.00	
127	2858	RESOR RD	0	0	\$ -	286	\$ 2,145.00		\$ 2,145.00	
					\$ -		\$ -		\$ -	
ORIGNAL TOTAL				328	\$ 2,296.00	1144	\$ 8,580.00	\$ -	\$ 10,876.00	
LESS CBO				0	\$ -	0	\$ -	\$ -	\$ -	
CURRENT TOTAL				328	\$ 2,296.00	1144	\$ 8,580.00	\$ -	\$ 10,876.00	

WARD 1

AS OF SEPTEMBER 30, 2009

2010 WARD 1.xls
B-36

Will the City's contractor restore my lawn area?

The sidewalk replacement contract includes the provision that the contractor repair or replace any landscaping that may be disturbed by removal and replacement of the sidewalk.

Is the City's contractor insured?

Yes, the successful bidder for the concrete contract is insured and bonded.

What are the guidelines for replacement?

- 1 Any block having a crack more than 1/2" wide. Cracked surfaces that are level and solid can be patched. However, if there is a differential, heaved or uneven settlement, then the sidewalk block cannot be patched, but must be replaced as marked.
- 2 Adjoining blocks or portions thereof whose edges differ vertically by more than 1/2".
- 3 Blocks that have holes in them 1/2" or larger in diameter or are cracked and broken so that pieces are missing or loose.
- 4 Blocks having depressions, reverse cross-slope (sloping away from the street).
- 5 Blocks having a cross-slope in excess of 3/4" vertical per one foot horizontal.
- 6 Blocks that cause a change in longitudinal grade of the sidewalk of more than 3" in five feet.
- 7 Blocks where the surface has broken away exposing a very rough surface of coarse stone. (This condition is known as "spalling.")
- 8 Brick, stone or sandstone sidewalks are prohibited.
- 9 Water stop boxes, gas stop boxes, etc., that are not to remain and will be reinforced.

A note of caution:

One of the problems with sidewalk replacement is spalling. This damage can occur on newly poured sidewalks due to the use of salt. The City's contractor utilizes air entrained concrete and sprays a curing compound on the walk to help prevent spalling from occurring; however, it is a good idea not to use salt on your new walk for the first year. Sand or cinders can be used, as well as a number of non-salt de-icing products.

If someone other than the City's contractor does the work:

- Use Class C concrete with air entrainment.
- Broom or swirl finish must be used.
- Landscape must be replaced if disturbed during installation.
- Curing compound must be applied the same day the concrete is placed.
- Expansion joints must be placed every 40 feet of newly placed, continuous concrete sidewalk.
- Work must be performed according to City of Fairfield standards: Sidewalks are to be 4 inches thick. Sidewalks between driveways and aprons are to be 7 inches thick. Aprons also are to be 7 inches thick.
- The Construction Services Division must be notified to perform the necessary inspections twenty-four hours prior to placing new concrete by calling 867-4218.

For additional information,
please visit the City's
website at

<http://www.fairfield-city.org/pubworks/pwsidewalk.cfm>

SIDEWALK REPLACEMENT PROGRAM



FAIRFIELD

Since you have received this brochure, areas of sidewalk on your property have been identified as in need of replacement. Information in this brochure will help explain the program to you.

Should you have questions not answered by the enclosed information, please feel free to call the Fairfield Public Works Department at 867-4218. The office is open Monday - Friday from 8 a.m. to 4:30 p.m.

From the Department of Public Works

A vital service and responsibility of the City of Fairfield is to address the needs and safety of our neighborhoods.

To ensure this safety, Laws and Ordinances are necessary to guarantee and help limit liabilities of not only the City but property owners as well. One such law is Chapter 909 of the City of Fairfield Codified Ordinances which states that it is the property owner's responsibility to maintain and keep in good repair, sidewalks, driveway aprons and the curb lawn area between sidewalks and curb on the edge of the roadway.

The Public Works Department presents the information here to summarize the procedures of the City's Sidewalk Replacement Program. We hope that you find the information useful and understandable.

Why is a sidewalk replacement program necessary?

Fairfield requires developers to provide sidewalks, curbs, paved streets and driveway aprons for the use by pedestrians as well as the motoring public.

These improvements were constructed in accordance with specifications in order to assure a long, useful life. However, the strongest pavement materials wear out in time and need to be replaced. There are three major concerns which necessitate a replacement program.

First, the potential of injury due to falling on uneven or broken sidewalks. Our first concern should be the safety of residents and a Sidewalk Replacement Program addresses this issue.

Second, the national rise in liability lawsuits against

property owners. A Sidewalk Replacement Program will significantly reduce the possibility of legal action being taken against residents.

Third, by assuring that sidewalks are replaced when necessary, the City keeps its insurance rates down, resulting in a savings of tax dollars for all citizens.

How does the sidewalk replacement program work?

Annually, certain areas of the City are scheduled for inspection based upon a rotation so that every area of the City is inspected once every four years. Inspections are performed by Public Works Department employees. Sidewalk sections in need of replacement are marked with white paint and recorded.

Once marked, a notice is sent to the property owner in the spring of the following year by certified mail advising that replacement is necessary. If replacement has not been made by the deadline date stated in the letter, the City will have the replacement made by its contractor. Following completion of the work, the owner will be billed by the City's Finance Department. Property owners have thirty days in which to pay the bill for replacement. If you choose not to pay, an assessment will be applied against your tax duplicate and collected as an addition to your property taxes over a five year period.

A nominal interest charge on any unpaid balance will be added to the amount of assessment when certified to the County Auditor for collection with property taxes.

My sidewalk was marked in the fall for replacement. What do I need to do?

Nothing at this time. You will be receiving a letter from the City in the spring, which will explain the program and provide adequate time for you to obtain

bids should you wish to have a contractor of your choice perform the work. We mark the sidewalks in the fall in order to collect data for quantities to seek bids from contractors in preparation of the springtime replacement.

How can I have my sidewalk replaced by the City's contractor?

If you wish to have the City's contractor replace your sidewalk, simply call the Construction Services Division at 867-4218 or allow the deadline date for replacement as stated in your certified letter to expire when it is sent to you in the spring. This will automatically place your marked sidewalk on the City's replacement list. The sidewalk replaced by the City's contractor has a one-year warranty from the date of installation.

Who pays for sidewalk ramps and curbs?

The City assumes the cost for replacement of areas of sidewalk intersections where the sidewalk extends toward the roadway (sometimes called sidewalk ramps). Private walks that extend out from the sidewalk (not at corner crossings) are the responsibility of the property owner.

Curb replacement is scheduled and paid for by the City when the road is resurfaced. To find out when your road is scheduled for resurfacing, contact the Street Division at 867-4212.

Can I do the work myself?

Yes, you may make the necessary replacement yourself or hire a contractor of your choice. All work must be completed according to City of Fairfield standards and requires inspection by the City. Prior to having the concrete poured you will need to contact the Construction Services Division at 867-4218 twenty-four hours in advance for inspection of the forms.

City of San Jose, California

Survey Results	B-41
Services Sidewalks & ParkStrips (Website)	B-46
Repair Notice	B-48
2 nd Repair Notice	B-50
Final Repair Notice	B-51
Sidewalk Repair Permit	B-52
Financial Hardship Information	B-53
Request for Financial Hardship Form	B-54
Tracking Form	B-55
Sidewalk Repair Brochure	B-57

Jurisdictional Programs to Facilitate Sidewalk Maintenance By Adjacent Property Owners

Survey Questions

Benchmark Jurisdiction: San Jose, CA

Person Interviewed: Eric Newton, Sr. Construction Inspector, Dept of Transportation, City of San Jose

Eric.newton@sanjoseca.gov

(408) 277-8148

Website: http://www.sanjoseca.gov/transportation/s_sidewalks.htm

Brief Summary. The City of San Jose, CA's program is complaint driven. They received approximately 5300 complaints last year for both sidewalk pavement condition and vegetation barriers. After receiving a complaint and inspecting the sidewalk to verify noncompliance, the city notifies the property owner of their responsibility to repair their sidewalks. If they do not respond, the city notifies the property owner again at 46 days, and 56 days. After 60 days, the city will make the repair. The City of San Jose is committed to 100% compliance of all the sidewalks that are reported by complaints and found to be out of compliance.

Demographics

57. What is the population of your jurisdiction?
Over 1 million (Wikipedia says in 7/2008 the population was 950,000)
58. What percentage of the population lives in urban versus rural settings?
- ___ Urban
___ Rural
___ Some rural, mostly urban

Standards

59. Does your jurisdiction have defined standards for sidewalk pavement condition and accessibility? If so, what are the sources of the standards?

 x Defined standards in which document: brochure
___ Basis - Explain
Standards developed within the department. Cracks no greater than 1/2" in depth and 1" in width, lips no greater than 1/2", slope no greater than 1:8.

Outreach

60. How are property owners informed of their responsibility to maintain their sidewalks in safe and accessible condition?

- ☒ Brochure – Sent to property owners at time of notification that sidewalk is out of compliance.
☒ Website
☐ Newsletter
☐ Real estate agent at time of house purchase
☐ Other - Explain

Objectives

61. Has your jurisdiction made a commitment to having a certain percentage of sidewalks comply with safety and access standards within a specified timeframe? If so, what are the commitments?

- ☐ No
☐ Yes _____% of sidewalks will conform to standards within _____years
☒ Other – Explain City has commitment of 100% compliance of sidewalks that have been reported by complaints, inspected and determined to be a hazard.

62. Are the commitments for compliance different for sidewalks maintained by your jurisdiction and those for which property owners are responsible?

- ☐ No
☐ Yes - Explain

63. Does the jurisdiction have a method for measuring and reporting year to year improvement in the percentage of sidewalks that are in compliance?

- ☐ No
☐ Yes - Explain
There is 100% improvement in the sidewalks that were reported to be out of compliance.

Identification of Sidewalks in Need of Repair

64. Does the jurisdiction regularly perform jurisdiction-wide audits of sidewalk safety and accessibility? If so, how often are these audits conducted?

- ☐ Yes, every _____ years the sidewalks throughout the jurisdiction are inspected.

x No

65. Can you provide an estimate of staff time and resources required to perform these audits?

 Staff hours per year

 Other resources

No inspections except for when there is a complaint.

66. What methods are available for citizens to report hazards or barriers to accessibility?

 Jurisdiction website online/downloadable form

 x Phone calls taken to report hazard/barrier

 x Emails taken to report hazard/barrier

 Paper form provided at jurisdiction

 Other - Explain

67. Does your jurisdiction coordinate with neighboring jurisdictions to ensure consistency of programs? If yes, please explain.

68. On a yearly basis, approximately what ratio of non-conforming sidewalks is identified by jurisdiction inspections versus citizen complaints?

 Jurisdiction Inspections

100% Citizen Complaints 5300 complaints last year of which approximately 3000 were sidewalk repairs that were needed versus 2300 due to vegetation removal.

Methods for Enforcement of Property Owner's Responsibility to Maintain Sidewalks to Standards

69. Are there ordinances or codes requiring property owners to maintain sidewalks to jurisdictional standards?

Yes – municipal code

70. Does the ordinance or code require the property owners to bring sidewalks into compliance within a specified timeframe? If so, what is the timeframe? Yes, 60 days

71. What is the process for notifying property owners of their responsibility to maintain their sidewalk to standards?

- ☐ Property inspected prior to notification to verify non-compliance
- ☒ Notification by letter
- ☐ Notification by phone
- ☐ Other - Explain

72. How and when do you follow up after notifying a property owner of a noncompliant sidewalk to assess whether a repair is being initiated? Initial letter is followed up by another letter after 46 days, and then again after 56 days. After 60 days, city will repair.

73. Are licensed contractors, inspections and standards for concrete repair required?
There is an initial and final inspection. It is less expensive for the property owner to hire their own contractor rather than have the city contractor make the repair. City has to pay prevailing wage about \$13/ft² and property owners only have to pay about \$9/ft².

74. In practice, will the jurisdiction initiate repairs if property owner does not make repairs within specified timeframe? Yes, 100% of time.

Financing

75. If your jurisdiction makes repairs, following property owner failure to make the repairs within the specified timeframe, do you bill the property owner? Yes

76. Will the cost of repair be added to the property tax, a lien put on house, or addressed by some other method? Please explain. He believes the cost is added to the property tax.

77. If a lien is used, where does the funding come from to cover the costs until the house is sold?

78. Does your jurisdiction pay for any sidewalk repair on property adjacent to private property such as vegetation removal, grinding of sidewalks, or repair due to street tree damage? City used to grind sidewalks starting in 1999 as a courtesy due to having more money from grants but since 7/1/09 property owners are responsible for all repairs.

- ☐ Vegetation removal
- ☐ Grinding of sidewalks < ___ inches
- ☐ Repair due to street tree damage

79. Does your jurisdiction offer any programs to assist property owners who cannot afford repairs?

 No

 x Yes – Explain

City has a hardship program where if property owner income is less than 2 times the national Poverty level, then they will provide a loan to the property owner.

Resources

80. Approximately, how much staff time in your agency is devoted to working on sidewalk programs/projects and in particular programs that facilitate private property owner maintenance of their sidewalks?

 FTE or Staff hours per week on sidewalk programs

3.5 FTE FTE or Staff hours per week on property owner sidewalk maintenance programs

81. Have you received grants to assist with any of the above sidewalk-related activities?

 No

 If yes, what activities are funded and what was the source of funds?

In the past, City had grants to grind sidewalks with a lip that was less than a certain height. This was as a courtesy to the property owners.

82. Can your agency share any forms, tools or efficiency tips? (public education, property owner notification, tracking of property owner repairs, notices of non-compliance, documents relating to jurisdiction initiated repairs)

GPS units helpful for inspectors to track hazards. Use student interns for office work.

83. What major challenges did you encounter in the design and implementation of your program? How were these issues addressed?

84. Do you have other comments or suggestions?

Eric noted that the City of Cupertino and City of Campbell have put a charge on their property tax in order for city to use for repairing sidewalk. This type of program eliminates all the expense of notifying and enforcing the sidewalk standards but may increase the liability for the city.

It is important that the inspectors in the field have skills to talk to property owners about their responsibility to maintain the sidewalks. Inspectors with public relation skills are an important part of maintaining goodwill with the community!

Rubber sidewalks are too soft.

SERVICES | SIDEWALKS & PARKSTRIPS (Website)

The sidewalk, park strip, and curb and gutter are located next to the street on the front and/or side portion of your property. The curb and gutter are located at the edge of the street pavement. The sidewalk is either separated from the curb by a park strip area, or is located adjacent to the curb.

Who is responsible for maintaining the sidewalk, park strip area and curb gutters?

The property owner is responsible for assuring that this area is properly maintained. By local ordinance and state law (Sections 14.16.2200 14.16.227) of the San Jose Municipal code, and Chapter 22 of Division 7, Part 3 of the California Streets and Highways Code), the owner of the fronting property is responsible for maintaining the sidewalk and park strip area, including the curb and gutter. Maintenance responsibility includes, but is not limited to, repair or replacement of damaged or displaced concrete, abatement of weeds or debris, and the trimming of trees and shrubs.

How does the City decide where sidewalk inspections will occur?

Inspections occur in response to citizen requests or when City employees observe damaged sidewalk.

How is the necessity and extent of concrete repair determined?

Repair of the sidewalk concrete is required if an inspection reveals:

- A sidewalk or concrete park strip where there is a vertical separation of more than one-half inch.
- Ramping, where there is a rise or depression of more than one inch within eight inches in conjunction with a vertical separation.
- A hole or opening in a break or construction joint of one inch or more.
- The breaking away or spalling of concrete with a minimum depth of more than one-half inch.

Curb and gutter repair is required if an inspection reveals:

- Problem in the area where pedestrians normally travel, such as a vertical separation of more than one-half inch or broken away section adjacent to a marginal walk or driveway approach.
- It is part of a driveway approach replacement.
- It represents a problem for vehicles.

How is the need for correction of landscape related problems determined?

- Visibility When park strip shrubbery interferes with vehicle operator visibility, trimming to a maximum height of thirty inches is required.
- Thorny Plants Varieties of cactus and century plants have thorns that could cause serious injury; thus, removal of thorny plants is required.
- Walkway and Gutter Clearance Trimming of ground cover or shrubs is required when there is encroachment onto the sidewalk or gutter.
- Obstacles in the Park Strip Elimination of tree stumps, large rocks, trash, holes, and some built-up planters are required. When the park strip is unimproved or landscaped and there is a drop that exceeds two inches below the concrete walk, the park strip must be filled with dirt or other material (no asphalt).

How are property owners notified that sidewalk/park strip repairs are necessary?

Property owners are mailed a repair notice informing them of the necessary repairs. A permit for the repair is included with the repair notice.

What are the options available for completing the work?

- The property owner may do the work or hire a contractor to do the work.
- The property owner may choose to have the City assign the work to a contractor. Upon completion of the work by a City contractor, the property owner will be billed for the cost of the work plus the permit fees.

If within 60 days from the date of the letter/permit no action has been taken to commence with the needed repairs and/or corrections, the City will:

- Use the assessment procedures provided for in the California Streets and Highways Code and the San Jose Municipal Code to have the work completed.

The major steps of this procedure are as follows:

- The owner or person in possession of the property is mailed a "Notice to Repair" followed one week later by a second "Notice to Repair" marked "Second Notice." The property will be inspected. If still no action has been taken, the work will be contracted out. A fee will be charged to cover the cost of administering the contract on all landscape repairs and removal and/or replacement of concrete.
- The property owner is billed for the contract cost plus the administration fee after the work is completed.
- If the property owner elects not to pay the bill, the City Council will hold a public hearing at which the assessment may be protested. If the Council confirms the assessment and the bill remains unpaid, the City will file a lien on the property. The cost of repairs plus interest will then appear on the property owner's next property tax statement.

What methods are used to repair sidewalks?

Most sidewalks are repaired by removal and replacement of the concrete. The only exceptions to this are single-family homes with sidewalks raised less than 1 ½ inch. If the raise has a clean straight edge, the sidewalk is marked with the letter "G" and may be ground down to meet the adjacent sidewalk.

To report a sidewalk problem or request an inspection, please call the Sidewalk Section at (408) 277-3158.

REPAIR NOTICE

August 19, 2009

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject Property: [REDACTED] SAN JOSE, CA 95112

Recently we received a request to perform an inspection of the concrete conditions in the public right-of-way adjacent to the property referenced above. Based upon State Law and the San Jose Municipal Code, property owners are responsible for the maintenance of the sidewalk, curb, gutter and parkstrip areas adjacent to their property (please see the enclosed brochure for additional information). Our inspection of the concrete conditions in the sidewalk, curb, gutter and parkstrip areas adjacent to your property revealed deficiencies that you are required to correct. Specifically, you are required to correct the following condition(s):

- Remove and replace 186 square feet of sidewalk marked by green arrows.
- Remove 65 square feet of parkstrip marked with green arrows and replace with dirt.
- Perform concrete sidewalk grinds at 6 locations (grind are marked with the letter [G] and are a max of 5' wide).

You have three options for taking care of this work:

- 1) You may complete the repair work yourself.
- 2) You may hire a contractor to do the work for you.
- 3) You may authorize the City to complete the repairs for you and invoice you for the work.

In all cases, the City will provide all required inspections as part of the required permit fees outlined below. Please note that all repairs performed by you or a contractor hired by you must be consistent with industry quality standards and comply with the terms and conditions of the attached permit.

Depending on how you choose to have the repairs completed, below are the estimated costs that will be billed to you by the City after the work has been completed and approved. Please do not send payment until you receive an invoice.

Option 1: All work is performed by you or your own contractor.

- Permit Fees:\$90.00

Option 2: You authorize the city to assign all of the work to a city contractor.

- Concrete repair work \$2,917.88

- Sidewalk Grinds \$173.70

- Permit Fees:\$110.00

- Total Estimate:\$3,201.58

Option 3: You or your contractor complete all of the concrete repair work and authorize the city to complete the sidewalk grinds.

- Sidewalk Grinds \$173.70

- Permit Fees:\$20.00

- Total Estimate:\$193.70

Option 4: You or your contractor complete the sidewalk grinds and you authorize the city to complete the concrete repair work.

- Concrete repair work \$2,917.88

- Permit Fees:\$110.00

- Total Estimate:\$3,027.88

If you elect to authorize the City to make any of the repairs for you, please use the enclosed post card to authorize the City to make the repairs. Check the appropriate box(es), sign and return the post card, and the City will proceed with the repairs.

You will receive an invoice after the repairs are completed and have passed a final inspection. Payments must be made to the City within 30 days from the date of the invoice or the City may seek collections efforts and/or a lien against your property.

Please be advised that work performed by the City on behalf of private property owners is subject to the City's Prevailing Wage Rate policy. As a result, doing the work yourself or hiring your own contractor may be less expensive than authorizing the City to perform the work for you.

If you have not completed the repairs within sixty (60) days of the date of this notice, the City will complete the repairs for you and invoice you for the cost as shown above. The invoice must be paid within the timeframe discussed above or the City may seek collection efforts and/or a lien against your property. If you are unable to complete the repairs within sixty (60) days, you may request a thirty (30) day extension if you provide a copy of a signed contract with a contractor to have the work completed.

Tito Dhanota, Sidewalk Inspector

Extension # 5

NO1

E-Mail Address *tito.dhanota@sanjoseca.gov*

2ND REPAIR NOTICE

October 06, 2009

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject Property: **[REDACTED]**

Our records indicate that you have not responded to our request to complete sidewalk repairs adjacent to your property at the above-referenced location. Please understand that according to local ordinance (Sections 14.16.2200 - 14.16.2270 of the San Jose Municipal Code) and state law (Chapter 22 of Division 7, Part 3 of the California Streets and Highway Code), the property owner is responsible for assuring that this area is properly maintained.

The repair notice sent to you asked that you correct the following condition(s):

- Remove and replace 186 square feet of sidewalk marked by green arrows.
- Remove 65 square feet of parkstrip marked with green arrows and replace with dirt.
- Perform concrete sidewalk grinds at 6 locations (grind are marked with the letter [G] and are a max of 5' wide) .

You may do the work yourself, hire a contractor, or authorize the City to complete the repairs for you. **If you want the City to complete the repair(s), your estimated cost is \$3,201.58.** Included in this estimated cost is a **\$110.00** Permit fee charged by the City.

You are further notified that if within 14 days after the date of this notice, you have not commenced or are not proceeding with the completion of said repairs, the City of San Jose shall complete said repairs and bill you for the cost estimate amount shown above.

If you have already corrected the items listed above, please call our office at **(408) 277-3158** and request a final inspection if you have not already done so. Please be advised that subsequent repair notices are automatically generated until the work is completed and approved.

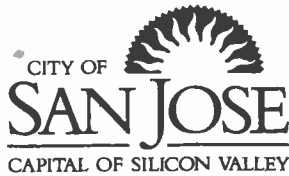
Sincerely,

Tito Dhanota, Sidewalk Inspector

Extension # 5

E-Mail Address tito.dhanota@sanjoseca.gov

NO2



Department of Transportation
Landscape Services Division

SIDEWALK REPAIR
1404 MABURY ROAD
SAN JOSE, CALIFORNIA 95133
TELEPHONE (408) 277-3158

FINAL REPAIR NOTICE

October 14, 2009

San Jose State University, Mike Ham
120 S. 10TH ST.
SAN JOSE, CA 95128

Subject Property: 120 S. 10TH ST., SAN JOSE, CA 95128

Our records indicate that you have not responded to our request to complete sidewalk repairs adjacent to your property at the above-referenced location. Please understand that according to local ordinance (Sections 14.16.2200 - 14.16.2270 of the San Jose Municipal Code) and state law (Chapter 22 of Division 7, Part 3 of the California Streets and Highway Code), the property owner is responsible for assuring that this area is properly maintained.

The repair notice sent to you asked that you correct the following condition(s):

- Remove and replace 186 square feet of sidewalk marked by green arrows.
- Remove 65 square feet of parkstrip marked with green arrows and replace with dirt.

You may do the work yourself, hire a contractor, or authorize the City to complete the repairs for you. **If you want the City to complete the repair(s), your estimated cost is \$3,201.58** Included in this estimated cost is a **\$110.00** Permit fee charged by the City.

You are further notified that if within 7 days after the date of this notice, you have not commenced or are not proceeding with the completion of said repairs, the City of San Jose shall complete said repairs and bill you for the cost estimate amount shown above.

If you have already corrected the items listed above, please call our office at **(408) 277-3158** and request a final inspection if you have not already done so. Please be advised that subsequent repair notices are automatically generated until the work is completed and approved.

Sincerely,

Tito Dhanota, Sidewalk Inspector

Extension # 5

E-Mail Address tito.dhanota@sanjoseca.gov

NO3

Subject Property: ~~WASHINGTON SQ, SAN JOSE, CA 95112~~

August 19, 2009

Sidewalk Repair PERMIT

All work involving the removal and replacement of concrete must comply with the following conditions:

1. Remove concrete at cold joints or by saw cutting at paint markings.
2. Remove all tree roots within 12 inches of the bottom of the concrete, except:
 - a. No pruning of roots within 12 inches from the trunk at ground level.
 - b. No pruning of roots greater than 4 inches in diameter on trees greater than 30 inches in diameter.
 - c. No pruning of roots on Historic American Elms in the downtown area.
3. Inspection by City staff of concrete forms prior to pouring is required only for curb and gutter repairs. Please provide the City a 24-hour advance notice for curb and gutter forms inspections.
4. Use a 3,000 psi (pound per square inch) 6-sack concrete mix.
5. Finished surfaces shall be troweled with a "light" broom finish of a "professional" appearance meeting industry standards.
6. Sidewalk grinding shall be performed so that the sidewalk has a smooth surface.
 - a. The finish slope shall be a maximum of 8:1.
 - b. Grinds shall be performed the entire width of the sidewalk. No portion of a vertical separation shall remain at the completion of a grind.
7. Any work performed that is not consistent with industry standards or these provisions will not be accepted by the City and must be corrected immediately.
8. All work must be completed within 60 days from the date on this notice. You may request a 30 day extension if you provide a copy of a signed contract with a contractor to have the work completed.
9. After the repairs are completed, please call the number below for a final inspection. The City will perform the final inspection within 14 days of your request. If the repairs are consistent with industry standards and these provisions, your repair file will be closed.
10. **If the work is not accepted and you do not make the corrections requested by the City, the City will proceed with completing the repairs and bill you for the work completed.**

The City of San Jose does not endorse or guarantee the work of any contractor. To find a qualified contractor, you might try the newspapers or yellow pages of your telephone book.

After you complete the repairs, PLEASE CALL FOR A FINAL INSPECTION, so we may close your file. We will perform final inspections within 14 days of your request. Your cooperation is greatly appreciated. If you need assistance, please call the sidewalk section at (408) 277-3158.

SIDEWALK REPAIR PROGRAM FINANCIAL HARDSHIP INFORMATION

This information is for property owners requesting financial hardship consideration in relation to sidewalk repairs. Financial hardship assistance is available to owner-occupied, single family residences only. Approval of Financial Hardship assistance is limited to available funding; although applicants may qualify under the current income guidelines, assistance may be denied if funding is not available.

On approval of this application, the City will perform the subject repairs at no cost to the property owner. In order to qualify for financial assistance, the property owner must meet the following guidelines:

NUMBER OF PERSONS IN FAMILY	ANNUAL INCOME
1	\$21,660
2	\$29,140
3	\$36,620
4	\$44,100
5	\$51,580
6	\$59,060
7	\$66,540
8	\$74,020

****Guidelines are twice the "National Poverty Level"***

If you do not meet these guidelines, but have special circumstances that you feel you would like to have reviewed, please complete the application. If you have any questions, call 277-3158. Please mail the completed application and necessary documents to: **City of San Jose, Sidewalk Repair Program, 1404 Mabury Road, San Jose, CA 95133.**

CITY OF SAN JOSE
Request for Financial Hardship
Sidewalk Repair Program

Name: _____

Social Security Number: _____ Telephone Number: _____

Mailing Address: _____

Sidewalk Repair Address: _____

Reason for requesting Financial Hardship assistance:

Total Gross Household Income is: Monthly \$ _____ Annual \$ _____

PROOF OF INCOME IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION:

You **must** include a copy of your current Federal Income Tax Return (form 1040 or 1040A) and copies of all the following that apply to your application:

*Letter 1722 from the IRS for non-income adults (1-800-829-1040)

*Previous year's Verification of Social Security Income (SSI)(1-800-772-1213)

*The previous year's Welfare or General Assistance eligibility (Notice of Action/Income Verification)

* The previous year's Documentation of Unemployment Development Department (EDD) (408-436-5600)

Total Number of Dependents: _____

Please list names and relationship to the applicant; if no dependents, please indicate "none".

<u>Name</u>	<u>Relationship</u>	<u>Name</u>	<u>Relationship</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I declare, under penalty of perjury that the foregoing statement and information provided by me is true and correct, and I am aware that the City of San Jose will perform a credit check to verify the above information.

Signature: _____ Date: _____

You will be notified within 30 days of the disposition of your request for Hardship

For official use only

Hardship is : **Granted** **Denied**

Signature _____ Date: _____

Reason for Denial: _____

SJ

Property Summary

10/23/2009 @ 1:22:37 PM

SNI

Map Coordinates P 55 V 40 H 67

Property Location

APN	House number or description	Alpha	Dir	Street Name	Suffix	City	Zip	Zoning
[REDACTED]	[REDACTED]			[REDACTED]	SQ	SAN JOSE	95112	LI

Owner

Owner First Name	M I	Last Name	Phone #	Mail Address	City, ST	Zip	O/O
San Jose State		[REDACTED]		[REDACTED]	[REDACTED]	95112	N

Complaint Info.

Received By	Complaint Date and Time	Priority	Date Assigned	Date Insp.	Inspector
Dhanota, Tito	08/07/2009	2:06 PM Permit Only	08/13/2009	08/13/2009	Tito Dhanota

Override N Call Y

Inspection Requested

☒ Sidewalk
 ☐ Driveway Approach
 ☐ Curb And Gutter
 ☐ Landscape
 ☐ Park Strip
 ☐ PS Fill Only
 ☐ Root Barrier
 ☐ Other

Inspection Results

Landscape Items							Hrs.	Grinds	GB	SW	DW	C/G	PS RF	PS FO	RB	Other	Total		
CSC	WDA	S30	PST	PPT	RIT		0	<1"	6	>1"	0	0	186	0	0	65	0	0	\$3,201.58

No Damage ☐ Optional Wk. ☐ Comments To Propertyowner

Not In SJ ☐ Survey ☐

Inspection Notes

Issued Permit to Mike Ham @ San Jose State on 08/14/09.
 Location is on 4th St. adj. to Main Entrance Parking Garage between San Carlos & San Salvador. Need

Letters

Hardship Received	HO1	NO1	08/19/2009	PS1	NOD
	HO2	NO2	10/06/2009	LS1	OPW
Hardship App. Mailed	HO2	NO3	10/14/2009	LS2	PS3
					POA

☐ Hardship Approved
 R&R Extension 0
 LS Extension 0
 PS Extension 0

Construction

	ATC Date	Name	Complete Date	Inspector
Grinder				
R&R		OWNER	10/16/2009	Tito Dhanota
Landscape				
Other				
PW Contractor				
AC Patch				

ESTIMATE

ESTIMATE No Invoice ☒

Finance Remarks

SW	DW	C/G	PS	PSFO	RB	Other
\$13.43	\$14.67	\$50.46	\$50.46	\$4.13	\$0.00	

R&R Total	LS Total	Fee	Gr. total	Invoice Date	Invoice #
\$0.00		\$143.00	\$3,201.58		0

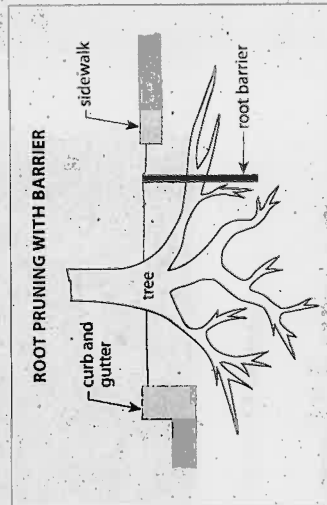
WHO MAKES THE REPAIRS?

You may complete the repair work yourself or hire a contractor to do the work for you; it is your choice. However, all concrete work must comply with the following conditions:

1. Remove concrete at cold joints or by saw cutting at paint marks.
2. Remove all tree roots (less than 4" in diameter) within 12 inches of the top of the concrete.
3. Use 3,000 psi 6 sack concrete mix.
4. Concrete shall have a minimum depth of 4 inches for sidewalks, 6 inches for driveway approaches and gutters, and 12 inches for curbs.
5. Forms inspections are required on all curb and gutter repair.
5. Score marks shall match adjacent sidewalk or curb & gutter score patterns.
6. Finished surface shall be a troweled, "light" broom finish, and have a "professional" appearance.

CAN ANYTHING BE DONE TO MINIMIZE FUTURE CONCRETE DISPLACEMENT BY TREE ROOTS?

To reduce the chance of future concrete displacement, trees can be root-pruned and a plastic barrier installed as shown:



In this procedure, tree roots within 12 inches of the surface are severed and a root barrier is installed to prevent future root growth in this area. Root pruning should only be done on one side (curb or sidewalk) of the tree at a time, with a

two-year interval doing the other side. Care must be taken when root pruning to avoid underground utilities. Before any work is performed, the property owner must obtain a permit from the Arborist Section (408-277-2762).

Also, deep-watering the tree, that is, applying a slow trickle of water over a 24-hour period encourages deeper root growth that reduces the chance of sidewalk damage.

WHAT ARE THE OPTIONS AND PROCESS FOR PROPERTY OWNERS

Property owners may do the work themselves, hire a contractor, or have the City assign the work to a contractor to complete the repairs. Upon completion of the work by a City contractor the property owner will be billed for the work plus the permit fees.

If within 60 days from the date of the letter no action is taken to commence with the needed repairs and/or corrections, the City will use the assessment procedure provided for in the California Streets and Highway Code and the San Jose Municipal Code to have the work completed. The property owner will be billed for the repairs plus the permit fee after the work is completed. If the property owner elects not to pay the bill, the City Council will hold a public hearing at which time the assessment may be protested. If the Council confirms the assessment and the bill remains unpaid, the City will file a lien on the property. The cost of the repairs and fees, plus interest will then appear on the property owner's next property tax statement.

HOW CAN I FIND A CONTRACTOR?

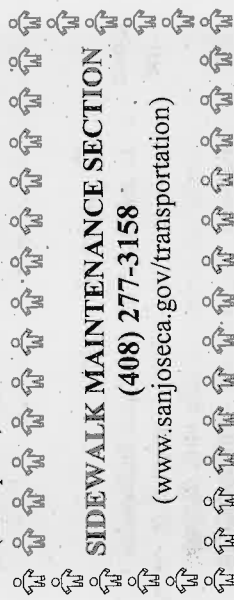
The yellow pages or the classified section of the newspaper are a good place to start. The property owner must obtain the permit, and insure that the inspections are made and the work is done in accordance with City standards.

HOW IS THE NEED FOR CORRECTION OF LANDSCAPE DETERMINED?

Landscape correction notices are sent to those properties which have landscaping interfering with the public right-of-way.

The following are some of the things which may trigger a notification to the property owner:

- ◆ **Visibility** – When park strip shrubbery interferes with vehicle operator visibility, trimming to a maximum height of thirty inches is required.
- ◆ **Thorny Plants** – Varieties of cactus and century plants have thorns that could cause serious injury; thus, removal of thorny plants is required.
- ◆ **Walkway and Gutter Clearance** – Trimming of ground cover or shrubs is required where there is any encroachment onto the sidewalk or gutter.
- ◆ **Obstacles in the Park Strip** – Elimination of tree stumps, large rocks, trash, holes, and some built-up planters is required. When the park strip is unimproved or landscaped and there is a drop that exceeds two inches below the concrete walk, the park strip must be filled with dirt or other material (no asphalt).



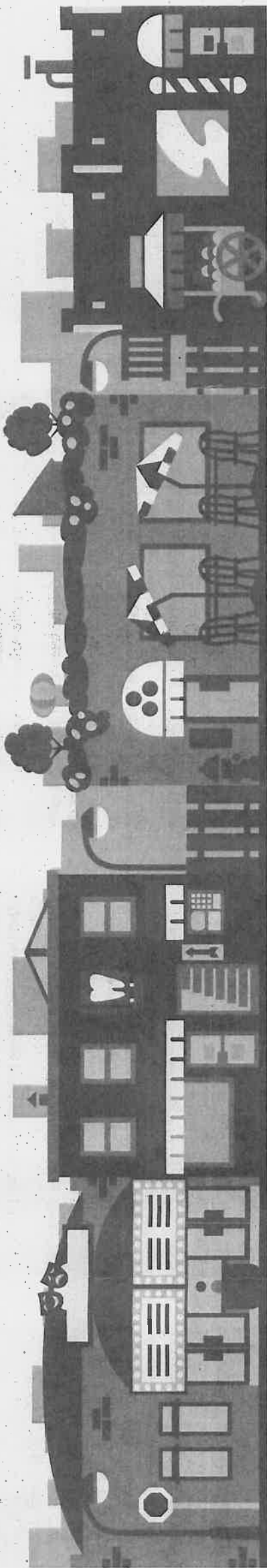
SIDEWALK MAINTENANCE SECTION (408) 277-3158

(www.sanjoseca.gov/transportation)



In accordance with the American Disabilities Act, Department of Transportation materials can be made available upon request in alternate formats, such as large print, audio tape computer disk. Request may be made by calling (408) 277-4373 (V) or (800) 735-2929 (CRS)

**For more information or to
obtain a permit call
(408) 277-3158.**



WHO IS RESPONSIBLE FOR MAINTAINING THE SIDEWALK, PARK STRIP AREA AND CURB & GUTTERS?

The property owner is responsible for maintaining the sidewalk, park strip area and curb & gutters adjacent to their Property (Sections 14.16.2200 –

14.16.2270 of the San Jose Municipal Code and Chapter 22 of Division 7, Part 3 of the California Streets and Highways Code).

Maintenance responsibility includes, repair of damaged concrete, abatement of weeds or debris and the trimming of trees and shrubs. For more information on trees and shrubs, see the section entitled "Correction of Landscape" on the back of this brochure.



WHAT SERVICES ARE PROVIDED BY THE CITY?

The City will provide the following services:

- ◆ Provide all necessary inspections
- ◆ Enforce all repairs and violations
- ◆ Hardship Assistance

◆ INSPECTIONS

Inspections of damaged sidewalks will occur in response to citizen requests or when City employees observe sidewalk damage. For sidewalk damage that requires replacement of concrete, the City will mark the area with green arrows. For minor sidewalk raises, the City will mark the sidewalk with the letter "G" for grinding only.

Property owners are then issued a repair notice and a permit by mail. Property owners have the option to hire their own contractor or assign the work to the City and be billed for the cost of repairs.

Final inspections and curb & gutter forms inspections are required on all repairs.

◆ PERMITS

Permits are required for all sidewalk repairs. Property owners may request a permit by calling (408) 277-3158.

◆ ENFORCEMENT

If a property owner fails to make the repairs within the prescribed time, the City will perform the needed repairs and bill the property owner for the work. For more information on the options and process, see the back of this brochure.

◆ HARDSHIP ASSISTANCE

The City will complete sidewalk removal and replacement work at no cost for qualifying low-income residents. This program is based on available funding. To request a Hardship Application, please call (408) 277-3158.



Revised 06/12/09



Help the city and your neighbors by providing a safe and attractive neighborhood for everyone to enjoy!

Appendix C

Maintenance Standards

U.S. Access Board's Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Their Relevance to Sidewalk Maintenance

The Americans with Disabilities Act (ADA) was passed in 1990 to protect the civil rights of persons with disabilities. It prohibits discrimination on the basis of disability in many areas including transportation. The ADA requires the establishment of design criteria for the construction and alteration of facilities. These requirements, which have been developed by the U. S. Access Board, are known as the ADA Accessibility Guidelines (ADAAG).

The U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT) published the identical sections 1-10 of the ADAAG in 1991 as the ADA Standards for Accessible Design. The ADA Standards for Accessible Design are enforceable under the ADA whereas the ADAAG are only advisory.

Although public and private entities that design, construct or alter sidewalks are obligated under the ADA to make them accessible to and usable by people with disabilities, accessibility standards for public sidewalks (with the exception of the curb ramp requirements) have not yet been developed. The U.S. Access Board added four additional sections to the ADAAG in 1994 including proposed public right-of-way guidelines. The proposed guidelines received negative feedback and thus the Access Board decided to withdraw the guidelines. The Board is currently developing new guidelines for public rights-of-way. The Revised Draft Guidelines were published in 2005 and can be found at the following website (<http://www.access-board.gov/prowac/draft.htm#r3>). The draft guidelines that relate to property owner maintenance of sidewalks are listed below. Final guidelines are expected to be available by the end of 2010. In order to become enforceable under ADA, the Public Rights-of-Way section of the ADAAG would have to be incorporated into the ADA Standards for Accessible Design by DOJ and DOT.

R301 Pedestrian Access Route

R301.3.1 Continuous Width. The minimum continuous and unobstructed clear width of a pedestrian access route shall be 1.2 m (4.0 ft), exclusive of the width of the curb.

R301.4.1 Cross Slope. The cross slope of the walkway of a pedestrian access route shall be 2 percent maximum.

R301.4.2 Street or Highway Grade. Where the walkway of a pedestrian access route is contained within a street or highway border, its grade shall not exceed the general grade established for the adjacent street or highway.

R301.5 Surface. The surface of the pedestrian access route shall be firm, stable and slip resistant.

R301.5.2 Surface Discontinuities. Surface discontinuities shall not exceed 13 mm (0.50 in) maximum. Vertical discontinuities between 6.4 mm (0.25 in) and 13

mm (0.5 in) maximum shall be beveled at 1:2 minimum. The bevel shall be applied across the entire level change.

R301.7 Horizontal Openings

R301.7.1 Walkway Joints and Gratings. Openings shall not permit passage of a sphere more than 13 mm (0.5 in) in diameter. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

R401 Protruding Objects

R401.1 General. Protruding objects on sidewalks and other pedestrian circulation paths shall comply with R401 and shall not reduce the clear width required for pedestrian access routes.

R401.2 Protrusion Limits. Objects with leading edges more than 685 mm (27 in) and not more than 2 m (80 in) above the finish surface or ground shall protrude 100 mm (4 in) maximum horizontally into the pedestrian circulation path.

Pedestrian Access Route (Sidewalk) Maintenance Standards for Local Jurisdictions in Santa Cruz County and Benchmark Jurisdictions

Surface

Capitola - Surface should not have cracking exceeding ½ inch vertical or horizontal.
Santa Cruz – Breaking or spalling* shall not exceed a depth of ½ inch.
Scotts Valley - Not available.
Watsonville - Breaking or spalling* shall not exceed a depth of ½ inch.
Unincorporated County – Not available
Corvallis, OR– Surface shall not be a very rough surface that would cause a tripping hazard. Surface shall not have severe cracking resulting in loose or unstable pieces.
Fairfield, OH – Surface shall not be a very rough surface of coarse stone (spalling*).
San Jose, CA – Breaking away or spalling* shall not exceed a depth of ½ inch.
Access Board Draft Guidelines – Surface shall be firm, stable and slip resistant.

Vertical Separation

Capitola - Shall not exceed ½ inch.
Santa Cruz – Shall not exceed 1/2 inch.
Scotts Valley - Not available.
Watsonville - Shall not exceed ½ inch.
Unincorporated County – Not available
Corvallis, OR – Shall not exceed 1 inch.
Fairfield, OH – Shall not exceed ½ inch.
San Jose, CA – Shall not exceed ½ inch.
Access Board Draft Guidelines – Shall not exceed ½ inch.

Horizontal Separation

Capitola - Shall not exceed ½ inch.
Santa Cruz – Shall not exceed 3/8 inch.
Scotts Valley - Not available.
Watsonville - Shall not exceed ½ inch.
Unincorporated County – Not Available
Corvallis, OR – Shall not exceed 1 inch.
Fairfield, OH – Shall not exceed ½ inch.
San Jose, CA – Shall not exceed 1 inch.
Access Board Draft Guidelines – Shall not exceed ½ inch.

Ramping

Capitola - Cross slope shall not exceed 2 percent
Santa Cruz – Shall not exceed a rise or depression of 1 inch vertical to 8 inches horizontal in conjunction with a vertical separation.
Scotts Valley - Not available.
Watsonville - Cross slope shall not exceed 2 percent
Unincorporated County – ADA compliance required

Corvallis, OR - Cross slope shall not exceed $\frac{3}{4}$ inch vertical to 1 foot horizontal.
Fairfield, OH - Cross slope shall not exceed $\frac{3}{4}$ inch vertical to 1 foot horizontal.
San Jose, CA - Shall not exceed a rise or depression of 1 inch vertical to 8 inches horizontal in conjunction with a vertical separation.
Access Board Draft Guidelines - Cross slope shall not exceed 2 percent.

Obstacles

Capitola - 3-foot clearance must be maintained around above grade obstacles.
Santa Cruz - No encroachment of ground cover or shrubs onto sidewalk.
Scotts Valley - Not available.
Watsonville - Minimum of 36" clear around obstacle
Unincorporated County - ADA compliance required
Corvallis, OR -
Fairfield, OH - Water stop boxes, gas stop boxes, etc. need to be at proper grade.
San Jose, CA -
Access Board Draft Guidelines - Protruding objects shall not reduce clear width as required for pedestrian access routes.

* Spalling - Spalling is a result of water entering brick, concrete or natural stone and forcing the surface to peel, pop out or flake off. This is because there is salt in water. Salt pushes outward from the inside. Eventually, spalling can cause crumbling and destruction of a structure.

Appendix D

Regulatory Guidelines and Information

United States Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation Regulations and Recommendations

Signed on March 11, 2010 and announced March 15, 2010

(http://www.fhwa.dot.gov/environment/bikeped/policy_accom.htm)

Note: Also available on the [United States Department of Transportation Website](http://www.fhwa.dot.gov/environment/bikeped/policy_accom.htm)

Purpose

The United States Department of Transportation (DOT) is providing this Policy Statement to reflect the Department's support for the development of fully integrated active transportation networks. The establishment of well-connected walking and bicycling networks is an important component for livable communities, and their design should be a part of Federal-aid project developments. Walking and bicycling foster safer, more livable, family-friendly communities; promote physical activity and health; and reduce vehicle emissions and fuel use. Legislation and regulations exist that require inclusion of bicycle and pedestrian policies and projects into transportation plans and project development. Accordingly, transportation agencies should plan, fund, and implement improvements to their walking and bicycling networks, including linkages to transit. In addition, DOT encourages transportation agencies to go beyond the minimum requirements, and proactively provide convenient, safe, and context-sensitive facilities that foster increased use by bicyclists and pedestrians of all ages and abilities, and utilize universal design characteristics when appropriate. Transportation programs and facilities should accommodate people of all ages and abilities, including people too young to drive, people who cannot drive, and people who choose not to drive.

Policy Statement

The DOT policy is to incorporate safe and convenient walking and bicycling facilities into transportation projects. Every transportation agency, including DOT, has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems. Because of the numerous individual and community benefits that walking and bicycling provide — including health, safety, environmental, transportation, and quality of life — transportation agencies are encouraged to go beyond minimum standards to provide safe and convenient facilities for these modes.

Authority

This policy is based on various sections in the United States Code (U.S.C.) and the Code of Federal Regulations (CFR) in Title 23—Highways, Title 49—Transportation, and Title 42—The Public Health and Welfare. These sections, provided in the Appendix, describe how bicyclists and pedestrians of all abilities should be involved throughout the planning process, should not be adversely affected by other transportation projects, and should be able to track annual obligations and expenditures on nonmotorized transportation facilities.

Recommended Actions

The DOT encourages States, local governments, professional associations, community organizations, public transportation agencies, and other government agencies, to adopt similar policy statements on bicycle and pedestrian accommodation as an indication of their commitment to accommodating bicyclists and pedestrians as an integral element of the transportation system. In support of this commitment, transportation agencies and local communities should go beyond minimum design standards and requirements to create safe, attractive, sustainable, accessible, and convenient bicycling and walking networks. Such actions should include:

- Considering walking and bicycling as equals with other transportation modes: The primary goal of a transportation system is to safely and efficiently move people and goods. Walking and bicycling are efficient transportation modes for most short trips and, where convenient intermodal systems exist, these nonmotorized trips can easily be linked with transit to significantly increase trip distance. Because of the benefits they provide, transportation agencies should give the same priority to walking and bicycling as is given to other transportation modes. Walking and bicycling should not be an afterthought in roadway design.
- Ensuring that there are transportation choices for people of all ages and abilities, especially children: Pedestrian and bicycle facilities should meet accessibility requirements and provide safe, convenient, and interconnected transportation networks. For example, children should have safe and convenient options for walking or bicycling to school and parks. People who cannot or prefer not to drive should have safe and efficient transportation choices.
- Going beyond minimum design standards: Transportation agencies are encouraged, when possible, to avoid designing walking and bicycling facilities to the minimum standards. For example, shared-use paths that have been designed to minimum width requirements will need retrofits as more people use them. It is more effective to plan for increased usage than to retrofit an older facility. Planning projects for the long-term should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.
- Integrating bicycle and pedestrian accommodation on new, rehabilitated, and limited-access bridges: DOT encourages bicycle and pedestrian accommodation on bridge projects including facilities on limited-access bridges with connections to streets or paths.
- Collecting data on walking and biking trips: The best way to improve transportation networks for any mode is to collect and analyze trip data to optimize investments. Walking and bicycling trip data for many communities are lacking. This data gap can be overcome by establishing routine collection of nonmotorized trip information. Communities that routinely collect walking and bicycling data are able to track trends and prioritize investments to ensure the success of new facilities. These data are also valuable in linking walking and bicycling with transit.
- Setting mode share targets for walking and bicycling and tracking them over time: A byproduct of improved data collection is that communities can establish targets for increasing the percentage of trips made by walking and bicycling.
- Removing snow from sidewalks and shared-use paths: Current maintenance provisions require pedestrian facilities built with Federal funds to be maintained in the same manner as other roadway assets. State Agencies have generally established levels of service on various routes especially as related to snow and ice events.
- Improving nonmotorized facilities during maintenance projects: Many transportation agencies spend most of their transportation funding on maintenance rather than on constructing new facilities. Transportation agencies should find ways to make facility improvements for pedestrians and bicyclists during resurfacing and other maintenance projects.

Conclusion

Increased commitment to and investment in bicycle facilities and walking networks can help meet goals for cleaner, healthier air; less congested roadways; and more livable, safe, cost-efficient communities. Walking and bicycling provide low-cost mobility options that place fewer demands on local roads and highways. DOT recognizes that safe and convenient walking and bicycling facilities may look different depending on the context — appropriate facilities in a rural community may be different from a dense, urban area. However, regardless of regional, climate, and population density differences, it is important that pedestrian and bicycle facilities be integrated into transportation systems. While DOT leads the effort to provide safe and convenient accommodations for pedestrians and bicyclists, success will ultimately depend on transportation agencies across the country embracing and implementing this policy.

Ray LaHood, United States Secretary of Transportation

Clarification of FHWA's Oversight Role in Accessibility



Memorandum

U.S. Department of Transportation

Federal Highway Administration

Subject: ACTION: Clarification of FHWA's Oversight Role in Accessibility

Date: 9-12-06

From: Frederick D. Isler
Associate Administrator for Civil Rights
King W. Gee
Associate Administrator for
Infrastructure

Reply to Attn of:
HCR-1
HIF-1

To: Associate Administrators
Chief Counsel
Chief Financial Officer
Directors of Field Services
Resource Center Director and Operations Managers
Division Administrators
Federal Lands Highway Division Engineers

The Federal Highway Administration (FHWA) recognizes the need for the transportation system to be accessible to all users. The purpose of this memorandum is to clarify FHWA's role and responsibility to oversee compliance on pedestrian access required by the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Since 1978, FHWA has promoted accessible transportation systems through technical assistance and guidance on ADA and Section 504. In addition, accessibility improvements are eligible for Federal-aid funding.

The FHWA is responsible for implementation of pedestrian access requirements from the ADA and Section 504. This is accomplished through stewardship and oversight over all Federal, State, and local governmental agencies ("public agencies") that build and maintain highways and roadways, whether or not they use Federal funds on a particular project.

Policy

In February 2000, the FHWA issued a policy providing technical guidance to integrate facilities for pedestrians, including persons with disabilities, into the transportation infrastructure. The guidance can be found at www.fhwa.dot.gov/environment/bikeped/design.htm#d4.

The ADA and Section 504 do not require public agencies to provide pedestrian facilities. However, where pedestrian facilities exist they must be accessible. Furthermore, when public agencies construct improvements providing access for pedestrians, the completed project also must meet accessibility requirements for persons with disabilities to the maximum extent feasible.

Planning

Title 23 requires that long-range transportation plans and transportation improvement programs, in both statewide and metropolitan planning processes, provide for the development and integrated management and operation of accessible transportation systems and facilities.

Additionally, State DOTs and Metropolitan Planning Organizations (MPOs) must certify (at least biennially for State DOTs and annually for MPOs) that the transportation planning process is being carried out or conducted in accordance with all FHWA, Federal Transit Administration and other applicable Federal statutory and regulatory requirements [see 23 CFR 450.220 and 23 CFR 450.334, respectively]. Further, 23 CFR 450.316(b)(3) requires the metropolitan planning process to identify actions necessary to comply with the ADA and Section 504.

Transition Plans

The ADA and Section 504 require State and local governments with 50 or more employees to perform a self-evaluation of their current services, policies, and practices that do not or may not meet ADA requirements. The public agency must develop a Transition Plan addressing these deficiencies. This plan assesses the needs of persons with disabilities, and then schedules the required pedestrian accessibility upgrades. The Transition Plan is to be updated periodically, with its needs reflected in the processes utilized by State DOTs, MPOs, and transit agencies to develop the Statewide Transportation Improvement Programs and metropolitan Transportation Improvement Programs.

Projects

Public agencies should work to meet accessibility requirements throughout the project delivery process. Issues surrounding pedestrian accessibility should be addressed at the earliest stage possible to reduce or prevent conflicts with other right-of-way, planning, environmental, and design considerations. This could include the acquisition of right-of-way

and use of special plan details for specific locations to remove barriers. Projects requiring pedestrian accessibility include projects for new construction and projects altering existing street and highway facilities.

New Construction

All projects for new construction that provide pedestrian facilities must incorporate accessible pedestrian features to the extent technically feasible, without regard to cost. The development process should ensure accessibility requirements are incorporated in the project.

Alterations

Alterations shall incorporate accessibility improvements to existing pedestrian facilities to the extent that those improvements are in the scope of the project and are technically feasible, without regard to cost. Projects altering the usability of the roadway must incorporate accessible pedestrian improvements at the same time as the alterations to the roadway occur. See **Kinney v. Yerusalim**, 9 F.3d 1067 (3d Cir. 1993), cert. denied, 511 U.S.C. 1033 (1994). Alterations are changes to a facility in the public right-of-way that affect or could affect access, circulation, or use by persons with disabilities.

The FHWA has determined that alterations are projects that could affect the structure, grade, function, and use of the roadway. Alteration projects include reconstruction, major rehabilitation, structural resurfacing, widening, signal installation, pedestrian signal installation, and projects of similar scale and effect.

Maintenance

Maintenance activities are not considered alterations. Therefore, maintenance projects do not require simultaneous improvements to pedestrian accessibility under the ADA and Section 504. The U.S. Department of Justice (DOJ) and the courts consider maintenance activities to include filling potholes. The FHWA has determined that maintenance activities include actions that are intended to preserve the system, retard future deterioration, and maintain the functional condition of the roadway without increasing the structural capacity. Maintenance activities include, but are not limited to, thin surface overlays (nonstructural), joint repair, pavement patching (filling potholes), shoulder repair, signing, striping, minor signal upgrades, and repairs to drainage systems.

As part of maintenance operations, public agencies' standards and practices must ensure that the day-to-day operations keep the path of travel open and usable for persons with disabilities, throughout the year. This includes snow and debris removal, maintenance of pedestrian traffic in work zones, and correction of other disruptions. Identified accessibility

needs should be noted and incorporated into the transition plan.

Accessibility Design Criteria for Sidewalks, Street Crossings, and Trails

Sidewalks and Street Crossings

Where sidewalks are provided, public agencies shall provide pedestrian access features such as continuous, unobstructed sidewalks, and curb cuts with detectable warnings at highway and street crossings. 28 CFR 35.151(c), referencing 28 CFR Part 36, App. A, ADA Accessibility Guidelines (ADAAG). The FHWA encourages the use of ADAAG standards. If pedestrian signals are provided, they must have a reasonable and consistent plan to be accessible to persons with visual disabilities.

Sidewalks and street crossings generally should use the guidelines the Access Board is proposing for public rights-of-way. The FHWA distributed an information memorandum on November 20, 2001, stating that

Designing Sidewalks and Trails, Part II, Best Practices Design Guide can be used to design and construct accessible pedestrian facilities. This report provides information on how to implement the requirements of Title II of the ADA. *Designing Sidewalks and Trails for Access* is the most comprehensive report available for designing sidewalks and street crossings and contains compatible information on providing accessibility with information published by the Access Board in the ADAAG. This report can be found at www.fhwa.dot.gov/environment/sidewalk2.

When the Access Board completes guidelines for public rights-of-way and they are adopted by the United States Department of Transportation and DOJ as standards under the ADA and Section 504, they will supersede the currently used standards and criteria.

When Federal-aid highway program funds are used for parking facilities, or buildings such as transit facilities, rest areas, information centers, transportation museums, historic preservation projects, or other projects where pedestrians are expected, the project must meet the current applicable accessibility standards, whether or not the project is within the public right-of-way. The ADAAG includes special provisions for building alterations and for historic preservation projects.

Shared Use Paths and Trails

The design standards for shared use paths and trails are specific to the function of the path or trail:

- Shared use paths and pedestrian trails that function as sidewalks shall meet the same requirements as sidewalks. Where shared use paths and pedestrian trails cross highways or streets, the crossing

also shall meet the same requirements as street crossings, including the provision of detectable warnings.

- Shared use paths and pedestrian trails that function as trails should meet the accessibility guidelines proposed in the Access Board's *Regulatory Negotiation Committee on Accessibility for Outdoor Developed Areas Final Report* found at www.access-board.gov/outdoor/outdoor-rec-rpt.htm. This report also has guidelines for Outdoor Recreation Access Routes (routes connecting accessible elements within a picnic area, camping area, or a designated trailhead).
- Recreational trails primarily designed and constructed for use by equestrians, mountain bicyclists, snowmobile users, or off-highway vehicle users, are exempt from accessibility requirements even though they have occasional pedestrian use.

Most trailside and trailhead structural facilities (parking areas, restrooms) must meet the ADAAG standards.

Technical Feasibility and Cost

When constructing a new transportation facility or altering an existing transportation facility, a public agency should consider what is included within the scope of the project. For elements that are within the scope of the project, the ADAAG provides that "Any features of a...facility that are being altered and can be made accessible shall be made accessible [i.e., made to conform with ADAAG] within the scope of the alteration." ADAAG 4.1.6(j). The only exception to this rule is where conformity with ADAAG is "technically infeasible," meaning that "existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame [e.g., in the case of a highway project, a bridge support]; or because other existing physical or site constraints prohibit modification of addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility." ADAAG 4.1.6(j).

Where making an alteration that meets accessibility requirements is technically infeasible, the public agency must ensure that the alteration provides accessibility to the "maximum extent feasible." If a public agency believes that full ADAAG compliance is technically infeasible, the public agency should document that the proposed solution to the problem meets the "maximum extent feasible" test. With respect to any element of an alteration that is within the scope of the project and is not technically infeasible, DOJ guidance provides that under ADAAG standards "cost is not a factor." DOJ Technical Assistance Manual for Title II of the ADA, II-

6.3100(4). Consequently, if the accessibility improvement is technically feasible, the public agency must bear the cost of fully meeting ADAAG standards.

However, cost may be a factor in determining whether to undertake a stand-alone accessibility improvement identified in a Transition Plan. For example, if an existing highway, not scheduled for an alteration, is listed in the public agency's Transition Plan as needing curb cuts, the public agency may consider costs that are "unduly burdensome." The test for being unduly burdensome is the proportion of the cost for accessibility improvements compared to the agency's overall budget, not simply the project cost.

If the project alters any aspect of the pedestrian route, it must be replaced with accessible facilities. Additional work outside of the scope and limits of the project altering a facility is at the discretion of the agency. However, any features not conforming to ADA requirements outside the project scope should be added to the Transition Plan.

FHWA Responsibilities

The FHWA is responsible for ensuring public agencies meet the requirements of the ADA and Section 504 for pedestrian access for persons with disabilities. Under DOJ regulations, FHWA divisions must work with their State DOTs, MPOs, and local public agencies to ensure ADA and Section 504 requirements are incorporated in all program activities for all projects within the public right-of-way regardless of funding source. Program activities include project planning, design, construction, and maintenance. Furthermore, FHWA is responsible for ensuring accessibility requirements for projects that are not within public right-of-way, but use funding through FHWA. This includes parking areas, information centers, buildings, shared use paths, and trails. Divisions have a legal responsibility to work with State agencies or other recipients to ensure ADA and Section 504 requirements are incorporated into all projects using funding through FHWA.

For all projects that use Federal funds as part of the financing arrangements, the division offices need to periodically:

- Review those projects, where they have oversight responsibilities, for accommodation of pedestrians. The divisions shall not approve Federal funding for projects that do not adequately provide pedestrian access for persons with disabilities where the project scope and limits include pedestrian facilities in the public right-of-way.
- Review the Stewardship Agreement to ensure pedestrian accessibility requirements are included, as appropriate.

- Review the State DOT, MPO, and/or local jurisdiction processes, procedures, guidelines, and/or policies that address ADA in transportation planning and programming processes and how accessibility commitments are addressed in transportation investment decisions.
- Assist transportation agencies in updating their Transition Plans. The United States Department of Transportation Section 504 regulation requires FHWA to monitor the compliance of the self-evaluation and Transition Plan of Federal-aid recipients (49 CFR 27.11). The ADA deadline for completing the accessibility improvements within the Transition Plan was in 1995. For those State and local governments that have not performed the self-evaluation and prepared a plan, it is critical that they complete the process.
- Encourage and facilitate training for FHWA personnel on accessible pedestrian features.
- Ensure pedestrian accessibility compliance through periodic program reviews of recipients' highway planning, design, and construction activities.
- In addition, the Federal Lands Highway Divisions should ensure that each direct Federal construction project fulfills both policy guidance on pedestrian access and meets the minimum ADA and Section 504 accessibility requirements.

For all highway, street and trail facilities, regardless of whether Federal funds are involved, the division offices need to:

- Perform onsite review of complaints about accessibility and report the findings of the review to HCR-1.
- Make presentations and offer training on pedestrian accessibility at meetings, conferences, etc.
- In contacts with State and local officials, encourage them to develop procedures for incorporating pedestrian accessibility into their projects.

Additional Information and Resources

A Web site with questions and answers concerning recurring issues, training opportunities, and background legal information on FHWA's responsibilities under the ADA and Section 504 is located at <http://www.fhwa.dot.gov/civilrights/index.htm>. This memorandum has been reviewed and approved by the U.S. Department of Transportation General Counsel as consistent with applicable disability law.

Questions concerning these obligations may be directed to:

- For Accessibility Policy: Candace Groudine, Bob Cosgrove, Office of Civil Rights
- For Design Standards: William A. Prosser, Office of Program Administration
- For Trails: Christopher Douwes, Office of Natural and Human Environment
- For Construction and Maintenance: Christopher Newman, Office of Asset Management
- For Legal: Lisa MacPhee, Office of the Chief Counsel



This page last modified on March 6, 2007

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United States Department of Transportation - **Federal Highway Administration**

**California Streets and Highway Code, Chapter 22, Article 2,
Section 5610**

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 in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

Barden v. City of Sacramento

The Americans with Disabilities Act requires all programs, services and activities of state and local governments to be accessible. The concept is commonly referred to as “program access.”

Program access to existing facilities was required by January 26, 1995. However, some cities argued that sidewalks did not constitute a city program, service or activity.

When the Ninth Circuit Court of Appeals dismissed this argument in 2002, in *Barden v. City of Sacramento*, cities were required to reconsider their responsibilities to provide accessible sidewalks.

Barden issues, findings, and terms of settlement are described at the following City of Sacramento web address.

(www.cityofsacramento.org/generalservices/documents/BAgreement.doc)

latimes.com/news/local/la-me-caltrans23-2009dec23,0,5587783.story

latimes.com

Caltrans settles lawsuit over disabled access

The agency proposes to spend \$1.1 billion to ease use of sidewalks, crosswalks and park-and-ride facilities. A judge and federal officials must review the 30-year deal.

By Dan Weikel

December 23, 2009

In a landmark court settlement proposed Tuesday, Caltrans agreed to spend \$1.1 billion over the next 30 years to repair and improve state-controlled sidewalks, crosswalks and park-and-ride facilities so they are accessible for people with disabilities.

The settlement, filed at the federal courthouse in Oakland, was a major victory for civil rights activists, who have been battling for years with the transportation agency to provide equal access to public rights-of-way for the blind and those who use wheelchairs, canes or walkers.

Advocates said they hoped that the agreement would become a national model for resolving disputes between the disabled and other state and local governments.

The class-action lawsuit that sparked the settlement has been closely watched by local officials and powerful municipal organizations, such as the National League of Cities and the League of California Cities. The groups have long contended that such lawsuits unnecessarily burden financially strapped cities that are already struggling to comply with federal and state access requirements.

"We have won a significant victory," said Ben Rockwell, 64, of Long Beach, a wheelchair user who has long complained to Caltrans about poor sidewalk conditions along Pacific Coast Highway. "While this work might not be finished in my lifetime, I hope that future generations will see better access throughout all areas of the state because of what has been done here."

The settlement applies to about 2,500 miles of sidewalk, crosswalks and 300 park-and-ride facilities that are owned and maintained by Caltrans. Intersections, pedestrian overpasses and underpasses are also subject.

Attorneys from Disability Rights Advocates, a nonprofit law firm based in Berkeley, contend that miles of sidewalk are impassible for people with handicaps and that thousands of required wheelchair ramps along state routes are either missing, do not comply with federal law or lack warnings such as bumps that the blind can feel underfoot.



The conditions, they say, are dangerous and can force wheelchair users, for example, to detour onto streets.

Hundreds of thousands of Californians with disabilities will be affected by the agreement. At least 300,000 people in the state have serious vision impairments, 350,000 use wheelchairs, and about 700,000 rely on walkers, canes or crutches. The numbers are expected to increase significantly as the baby boom generation ages.

"This settlement is a win-win," said Gov. Arnold Schwarzenegger. "It would be inexcusable to continue to delay these modifications. Instead of debating this through the legal process for the next decade, costing millions of taxpayer dollars, we are taking action to get this work completed."

The settlement will pay for remedying access problems at tens of thousands of sites along Caltrans sidewalks and at other pedestrian facilities. Department officials said the money would come from the State Highway Operation and Protection Program, a pool of state and federal funds.

Under the agreement, the state will spend \$25 million per year for the first five years, \$35 million per year for the next 10 years, \$40 million per year for the 10 years after that, and \$45 million per year for the final five years.

The amount is far greater than the \$10 million a year Caltrans had budgeted to bring walkways and other pedestrian facilities into compliance.

In addition, Caltrans agreed to upgrade existing curb ramps that do not comply with access laws, and to install curb ramps where needed when existing roads are resurfaced or reconstructed. Similarly, Caltrans must comply with state and federal access laws for new construction and provide temporary pedestrian routes around those sites that can be used by everyone.

Former Caltrans Director Will Kempton estimated in 2008 that the agency needed to install about 10,000 curb ramps statewide, retrofit about 50,000 existing curb ramps, reconstruct hundreds of miles of sidewalk and modify pedestrian crossings at 15,000 intersections, including the installation of audible signals for the blind.

Before it is finalized, the settlement proposal needs to be reviewed by a federal judge, participants in the class-action suit and the U.S. Department of Justice. The court also must approve legal fees and costs to be paid by Caltrans. The estimates range between \$3.75 million and \$8.75 million.

"This settlement is unprecedented in terms of its money and scope," said Mary-Lee Kimber, an attorney for Disability Rights Advocates. "We commend Caltrans. Improving sidewalks is a major step toward integrating people with disabilities into the community at large."

Californians for Disability Rights Inc., the California Council for the Blind, Rockwell, and Dimitri Belser, 51, of Berkeley, who has a vision impairment, filed the federal lawsuit in August 2006. They alleged that Caltrans had violated the 1990 Americans with Disabilities Act, a federal law that requires improvements in accessibility whenever sidewalks or other pedestrian facilities are built or undergo major repairs.

The lawsuits specifically mention Pacific Coast Highway in Long Beach and California 13, known in Berkeley as Ashby Avenue. Shortly after the case against Caltrans went to trial in September, U.S. District Judge Sandra Brown Armstrong discontinued the testimony and ordered both sides to discuss the

possibility of a settlement. "We have always been trying to comply with the Americans with Disabilities Act," said Ronald Beals, Caltrans' chief counsel. "But we knew there were needs out there and we wanted to do the best we could to work with the community. I think we can fix most of these problems."

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