

● **McQUISTON ASSOCIATES**

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

April 30, 2012

**CF12-0600**

**COMMENT - CONTROLLER**

E. Pulst

**STATEMENT of J.H. McQUISTON on  
CONTROLLER'S FORECAST for FY 2012-13**

Honorable Chairman and Members of the Committee:

Traditionally, the Controller's forecast and the CAO's forecast are not coincident. **The Controller's is more-conservative.** This year, the Controller's forecast of General-fund Income is \$4,375,413,000 vs CAO forecast of \$4,537,918,000, and the Controller's forecast of Special-fund Income is \$2,204,250,000 vs CAO forecast of \$2,276,817,900. **The disparity is \$237,073,000, but may be larger because the Controller's figures may not include the reduction in the Assessor's estimate of land values.**

The Controller's forecast historically has been lower than the CAO's, **but lately the Controller's forecast has been more accurate than the CAO's.**

**Since the CAO suggests a \$200 million deficit, and the Controller's income-forecast is lower by \$200 million, the Committee may be staring at a \$400 million deficit to erase.**

A look at Blue Book entries proves there are no low-paid City employees. **Cuts will be the personnel who know how to operate *efficiently* in their Departments. Losing them damages everyone.**

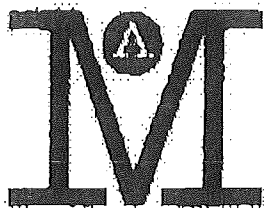
But a conservative approach appears to require at least 2500 layoffs July 1, or 5,000 January 1.

**B & F must insist that every speaker advocating retention must in the same breath *prove* how additional and continuing funding will finance the retention, be the best option, and cover the deficit *entirely*.** This is no time for unsupported suggestions.

Respectfully submitted,

c: Interested parties

J. H. McQuiston



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**STREET SERVICES**

E. Pulst

**STATEMENT of J.H. McQUISTON on  
"SIDEWALK REPAIR" ISSUE and FUNDING**

Honorable Chairman and Members of the Committee:

**I am a member of the Street Services Task Force on the Legal Issues of the Subject.**

**I performed substantial legal research on the Issues, and submitted many Reports to Street Services at Task Force Meetings.**

1. Since the middle 1970's the City is disobeying clear law, adjudicated against it, which requires *property owners to "construct, reconstruct or repair" the sidewalks, alleys, curbs, driveways, parkways, poles, hydrants, pipes, gutters, trees, etc in the City's easement across their properties.*

*It ceased issuing notices to repair requiring owners to repair them, only because Nixon gave unrestricted money to the City for 3 years. But that money was not lawfully-spent on repairs unless followed by a bill and recovery from the property owner, according to a Supreme Court decision of long-standing.*

*Now is the time to resume the process, mandated by California Streets and Highways Code. This City even argued to the Legislature that the law should be left as-is, so the property owner must pay for repair.*

*Also, in Sandra Carter et al, and Nicole Fahmie, v City of Los Angeles, BC No 363305, the City consented to a Judgment requiring 1,000 curb ramps to be installed essentially in FY 2012-13, but the total may exceed 3,000. At least 500 shall be done within 4 months. The City is obligated to spend at least \$4 million, exclusive of attorney fees and cost of administration.*

**The Blue Book does not include the entire amount of even this settlement's requirements.**

However, this Committee must require the Department to enforce the Streets and Highways Code, and assess property owners who do not, on demand, proceed to install or repair curb ramps and "sidewalks". The S & H Code requirement is still part of the LAMC, at Section 62.104. It does not require any action by the Council except a Resolution that the Department must enforce the Code.

Also, inasmuch as "Construction" is defined to include "reconstruction" or "repair", there is no disputing that the A.D.A. ramps are mandated on the property owners and that if they do not install them the City may do so and bill them, plus up to 40 percent above City expense.

Before 1970's I know the City enforced the Code. For 2 generations it failed to do so, but that is not right. There is a Supreme Court Decision saying the Code must be followed.

2. Before the City ceased its sidewalk-inspections in the 1970's, contractors (even in the depths of the 1930's Depression) followed them and offered to do the work for property owners. The City cannot and does not want to do these "little jobs" cost-effectively, compared to such small contractors. The only City need is to issue the notices to repair.

The City has Neighborhood Councils, and Charter language "requires" them to inspect the sidewalks for "delivery of services" (i.e., Notices to repair) in their territories. Thus no City cost for sidewalk inspection will be necessary to generate notices, if computer capability is employed for process.

### 3. Cost comparison

I have to be registered as an Engineer by the State to approve Bond Issues and other items. But I have done concrete work and design for curbs, gutters, and sidewalks. I am capable of estimating the cost of A.D.A. cuts.

I prepared an independent estimate of what I would charge if I contracted to install a Case "I" curb cut, and I obtained the Street Services estimate for the same cut. I also obtained two estimates from local, licensed contractors who do such work for various cities. These estimates are for comparison purposes and to show that property owners are able to do or contract the work without depending on the City for installation.

#### A. McQuiston estimate:

Labor rate: \$25 per hour. Concrete charge: \$30.00 (0.3 yard) Hauling matl \$50.00 Mat \$50.00  
Dump chg \$25.00 Form @ 8 hr \$200.00 Demolition & Finishing @ 16 hr \$400.00 G&A & Profit \$181.00  
With Permt \$1136.00

B. Street Services Estimate: \$3500.00 to \$4000.00

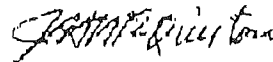
C. Eco Construction Estimate: \$1800.00 to \$2250.00

D. James Oh Construction Estimate: \$2430.00

The above were estimated on the same basis and location in a part of Los Angeles requiring numerous curb cuts and many sidewalk repairs. The sidewalks there are only 1 inch of concrete, laid about 1920 (lasted 90 years) but are filled with discontinuities due to truck damage. Repairs lasting only 50 years at \$2500 cost only \$ 50 per year to the property owner.

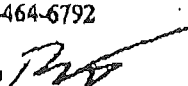
4. The work is "concrete 101" and excellent for out-of-work residents. The City's "Work Force" program could be employed to advantage. Private construction, per City drawing but contracted by property owner, relieves Street Services for more-useful and much more-important street repairs with its limited force.

Respectfully submitted,



J. H. McQuiston, P.E.

c: Interested parties  
Encl St Serv estimate

DATE: April 24, 2012  
TO: Jim McQuiston  
Fax: 323-464-6792  
FROM: Ron Olive   
Public Works/Street Services  
Phone: 213-847-3333  
Fax: 213-847-3300  
SUBJECT: Cost of Curb Cuts

Mr. McQuiston, please excuse the delay in my response to your fax from 3/30/12.

The average cost of constructing a new access ramp ranges from \$3,500 - \$4,000 each. This is for locations that do not have utility or other obstructions requiring relocation and where construction is fairly straight forward.

I'm attaching the Bureau of Engineering Standard Plan S-442-3 "CURB RAMPS" which details all approved design cases A-I. We have constructed ramps using all of these approved designs, with Case "I" probably the most common. Deviation from these designs requires a special design approved by a licensed Civil Engineer.