STATEMENT of J.H. McQUISTON on
PROPOSED ALTERNATIVES for SIDEWALK REPAIRS

Honorable Chairman and Members of the Committee:

1. Transportation Handbooks say So Cal pedestrians will walk only 700 ft or else take other means to get to their destinations. Sidewalks are primarily a convenience for neighbors of properties.

   Sidewalks allow neighbors to cross a property. Property owners have a duty to neighbors to make the crossing safe. State Requires such per California Streets & Highways Code. See §§ 5600 et seq & 5870 et seq (ALTERNATIVE State mandates). (Reconstruction-cost will be below $9 per month per property.)

   Code requires the owner of the property on which horticultural plantings or pedestrian walks lie and not the City to construct or reconstruct safe-passages for persons crossing that property.

   If the property owner ignores improper-condition, Code requires City to order property owner to correct the improper condition. If City does not order correction, Courts hold City liable for passer-by injuries. But only after notice and expiration of time may the City itself correct the improper condition.

   If the City corrects an improper condition, Code mandates the City to assess the statutory-cost upon the property owner, either by direct bill, addition to property tax, or by installment-contract.

   Code (per Supreme Court long-ago) does not permit the City to absorb the cost of work.

2. Street Services’ proposal obviously is not in accordance with State law.

   Prior to 1970's City did notify property owners and the work was usually done by the property owners.

   If Street Services automates the notice-process, City budget will be minimally-affected. Neighborhood Councils, per-Charter required to participate in the process, will minimize City labor-cost.

   This Committee may accomplish the objective by requiring Street Services to establish a proper notification system forthwith.

3. There is no political-consequence for the City's merely-obeying State Code. We who were notified and assessed before 1970's wonder why the City abandoned that "fairness" of requiring each property to keep passage over-it safe for people, including the property's neighbors.

4. City employees who arrange work on sidewalks and street horticulture without process of Code are personally liable for City funds paid-out for that ultra vires work. See, e.g., Foxen v City of Santa Barbara, 166 Cal 77 (Calif Supreme Court).

5. Please obey the Code and direct the Department per #2 above.

   Respectfully submitted,

   J. H. McQuiston

---

1 LAMC currently requires City to notify property owner; owner is required either to perform the work or to exercise option letting City perform the work and be compensated therefor.