



CITY HALL  
LOS ANGELES, CALIFORNIA 90012

February 29, 2016

Honorable Members of the City Council  
C/O City Clerk  
Los Angeles City Hall  
200 N Spring Street, Room 395  
Los Angeles, CA 90012

***RE: CF 14-0163-S3 – Sidewalk Repair Policy***

Dear Honorable Members:

For 40 years, the City of Los Angeles has been stuck with a dysfunctional policy when it comes to sidewalks. There have been many attempts, sometimes valiant, to find a solution to the city's buckled and broken sidewalks, but there has been no consistent and comprehensive sidewalk repair plan for decades.

In June 2014, we decided to tackle that problem by introducing motions calling for a comprehensive, citywide sidewalk repair plan that would address all broken, inaccessible sidewalks throughout Los Angeles. We followed these motions with a series of joint hearings of the Public Works and Gang Reduction and Budget and Finance committees to study how best to implement such a repair program. To date, the joint committee has held eight public hearings, including five community meetings across the city attended by hundreds of interested residents, and we have considered various reports on and proposals for the financing and construction of sidewalk repairs in Los Angeles.

During that time, we also worked with city departments to begin repairing sidewalks adjacent to city-owned properties, such as parks, libraries and recreation centers in each council district, and the City Council created a sidewalk repair trust fund to house funds dedicated to sidewalk repair at our urging.

All of this has helped position us where we are today -- a place where the City Council can finally decide on sidewalk repair policy that is comprehensive, cost-effective and equitable -- and deserving of your support. This policy should be thorough, flexible and clear. It must be one that will result in the repair of every city sidewalk that needs it.

As you know, any repair program needs to comport with the terms of a class action settlement agreement that the City Council recently entered into with members of the disability community. Our goal, beyond the terms of that settlement, is to enact a policy that will result in the repair of all

damaged sidewalks throughout the City of Los Angeles and create a more easily passable pedestrian infrastructure. There are nearly 11,000 miles of sidewalks in Los Angeles. Throughout all of our districts, there are severely impacted neighborhoods with miles of sidewalks that are difficult even for fully able-bodied individuals to traverse, and that must change.

### **Elements of a Citywide Program**

Our respective committees have worked hard to create a proposal that will move the city forward and begin repairing sidewalks as expeditiously, equitably and economically as possible. To that end, we propose the following essential elements of a sidewalk repair policy that can be implemented immediately upon adoption by the City Council:

- 1) Incentivize Proactive Repairs by Property Owners:** As stated in past reports, very few cities fund 100 percent of the cost of sidewalk repairs, and many impose the obligation entirely on the property owner (consistent with state law). We believe a successful long-term repair program must be a partnership between property owners and the city. In order to effectuate the greatest number of repairs in the most locations with as little administrative overhead and bureaucratic red tape as possible, we propose offering a rebate to commercial and residential property owners who proactively repair broken sidewalks within the first three years of the program. The rebate should initially provide a reimbursement in a fixed amount that is approximately 50 percent of the average cost of repair per square foot, with a maximum per-parcel cap, and any rebates should not exceed the actual cost of repair work.
- 2) Inspection and Certification:** The city should begin inspecting sidewalks and verify which locations are in good condition and compliant with Americans with Disabilities Act standards. The city will certify the condition of the sidewalk on that property and keep records on it. The property owners adjacent to sidewalks in need of repair will be given the option to make the repairs themselves or wait for the city to make the repair, in accordance with the prioritization and financial responsibility criteria described in this letter.
- 3) Comprehensive Repair Program:** The city should adopt a comprehensive repair program that will apply to all sidewalks that are in disrepair. Under this approach, the city would coordinate and deploy a one-time repair to all sidewalks throughout the city, with the exception of those adjacent to properties owned by other governmental agencies (which the city will cite and order to repair their adjacent sidewalks). We believe that there should be a per-parcel cap on the city's cost obligation in order to avoid a disproportionate burden on the program resulting from excessively complicated and expensive repairs, or those on very large parcels. Under this approach, the city would pay for the actual costs, up to the cap. We look to our experts in the city's Public Works bureaus to aid in determining the size of a cap for different parcel types.
- 4) Warranty for Future Damage:** At the most recent joint hearing of the Public Works & Gang Reduction and Budget & Finance committees, Council President Wesson, along with Councilmembers Martinez and Price, submitted a letter recommending a 20-year warranty for repairs prior to the transfer of responsibility back to property owners. We agree with this approach as it relates to residential properties. For commercial and industrial properties, we recommend a five-year warranty, in light of likely heavy vehicle traffic and

additional wear inherent to commercial and industrial enterprises. In all cases, we recommend that the city should guarantee one repair within the warranty period, except in the case of damage caused by negligence on the part of any party except for the city. Furthermore, we believe that the city should extend warranties to sidewalks certified in good condition along the same terms and conditions applied to sidewalks repaired under the comprehensive repair program.

- 5) **Prioritizing and Coordinating Repairs:** Under the terms of the settlement agreement that the City Council adopted in concept several months ago, the city must prioritize repairs in areas involving the following, in order of importance:
- a. City government facilities;
  - b. Transportation corridors;
  - c. Hospitals, medical facilities, assisted living facilities and other similar facilities;
  - d. Places of public accommodation, such as commercial and business zones;
  - e. Facilities containing employers; and
  - f. Other areas such as residential neighborhoods and undeveloped areas.

This ranking does not require that each category be completed before the next begins, it merely requires prioritized emphasis. Thus, some repairs will be made in all six categories even in the first year. In order to plan for the logistics of deploying city-directed forces throughout every neighborhood in Los Angeles, the Bureau of Engineering should be directed to develop a prioritization and scoring system that assigns a numerical score to each sidewalk segment, based on the following:

- a. The settlement criteria, as indicated above;
- b. Severity of sidewalk damage;
- c. Cost-effectiveness and contiguity of a damaged section;
- d. Liability concerns;
- e. A mobility disability nexus by nearby residents or other users of the stretch of sidewalk;
- f. The propensity of complaints about the segment in question; and
- g. The volume of pedestrian traffic.

As inspections of pending construction sites are completed, the Bureau of Engineering should employ a mapping platform to accept and consolidate sidewalk repair complaints, provide information about upcoming repairs, coordinate with other pending and upcoming infrastructure projects to realize efficiencies, and build out a complete sidewalk inventory as sidewalks are certified.

- 6) **Demand-based Repair Work Coordinated by Council Offices:** Under the terms of the settlement, the city must set aside at least 20 percent of the annual sidewalk settlement program funding for an "Access Request Program," which will coordinate targeted repairs at properties where a mobility disabled individual, or someone acting on their behalf, has identified a specific mobility impediment on a sidewalk. We propose that this program be coordinated through each Council office, in concert with the Department on Disability.
- 7) **Division of Labor for the Repair Work:** In light of the significant amount of sidewalk construction that will be required in the coming years, it will be essential to utilize both

public and private labor forces working side-by-side in effectuating repairs. We recommend implementing the program as follows:

- a. **City Crews:** City sidewalk repair crews should be utilized to make demand-based repairs, repairs found to be a particular liability concern and repairs to sidewalks under the city's warranty.
- b. **Private Contractors:** The remainder of the comprehensive repair program should be implemented by dividing the city into regions and putting each out to bid for certified contractors to make repairs as directed by the Bureau of Engineering.

**8) Preserving the Urban Forest While Maintaining Accessibility:** One of the most significant and recurring issues raised in the joint hearings and nearly every conversation about sidewalk repair is the impact of the city's street trees and protecting the urban forest. We wholeheartedly agree that every effort should be made to protect beloved neighborhood trees and ensure that a mix of young, middle-aged and mature trees flourish in the City of Los Angeles, but sidewalks that are impassable due to trees cannot be left in disrepair. To that end, we propose that the Bureau of Engineering work with the Bureau of Street Services - Urban Forestry Division and the Community Forest Advisory Committee to develop and utilize a variety of options for preserving healthy and mature trees where feasible and consistent with the requirement of ensuring accessibility, including meandering paths and modified easements, root pruning and shaping, and alternative materials and designs (provided that they are consistent with the ADA). In addition, wherever tree removal is required, there should be a tree replacement program that preserves the environmental and quality of life benefits of the urban forest. The replacement program should utilize planting methods, locations and species selection that will be least likely to cause future sidewalk damage.

**9) Utilizing Non-Standard Sidewalk Designs and Materials:** Cumulatively, the sidewalks in Los Angeles make up a tremendous landmass within our borders. Many stakeholders participating in the conversations about sidewalk repairs have recommended that the city explore alternative designs and materials that promote environmental objectives like maximizing groundwater infiltration, providing flexibility for tree growth and otherwise making parkways more sustainable and resilient. We agree with this philosophy and look to our experts at the Bureau of Engineering to provide guidance as to how, when and where to deploy those features, at what cost and with what kind of warranty for future damage. We also recommend that the Bureau of Engineering be directed to report every three years with updated design standards that accomplish the aforementioned environmental objectives in addition to providing passable sidewalks. Use of non-standard designs and materials should be considered in consultation with a particular community's neighborhood council, business improvement district and other stakeholder groups.

**10) Leveraging the Sidewalk Program, Accelerating Construction and Alternative Financing Options:** In light of the duration of the settlement obligation and the potential complexities involved in an undertaking of this magnitude, the City Council would benefit from an exploration of mechanisms to stretch the dollars devoted to this program further, accelerate construction and implement the program consistent with the spirit of the settlement. With that in mind, we recommend that the City Council direct the CAO and the CLA to report on options for:



- a. Leveraging the sidewalk program for workforce development, and job training programs; and
- b. Financing the program to accelerate completion of the work in the shortest timeframe possible.

**11) Tree Root Exception:** The City Council should repeal the tree root exception codified in Section 62.104 of the Los Angeles Municipal Code. Without this change in the law, it is unlikely that the city will ever be able to fairly cite and enforce against sidewalk damage under the 1911 Improvement Act, which governs sidewalks under State Law.

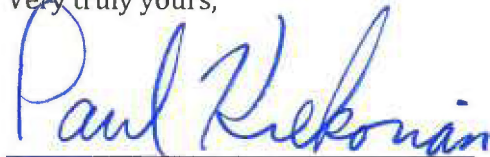
### **The Right Way Forward**

With the proposals outlined above, we believe that a comprehensive and sustainable sidewalk repair program can and should be implemented in Fiscal Year 2016-2017. As with most city programs, we will need to do significant hiring to staff the program, and that cannot begin until the Council directs the architecture of the program to be implemented.

The program's details can continue to evolve over time, as we implement the program and gather knowledge with the benefit of experience. We believe that, given the current state of the city's sidewalks, and the desires of our residents and the stakeholders that have participated in the development of this plan, this proposal is the right way forward.

We have a unique opportunity to adopt a policy that will increase pedestrian safety and accessibility, improve the quality of life in neighborhoods, create good jobs, reduce the city's liability and help our environment. The time to act is now.

Very truly yours,



**PAUL KREKORIAN**

Councilmember, 2nd District



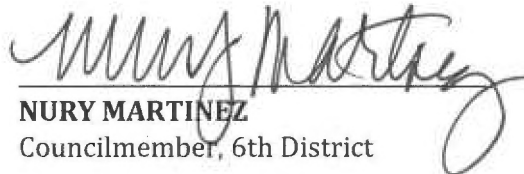
**JOE BUSCAINO**

Councilmember, 15th District



**MIKE BONIN**

Councilmember, 11th District



**NURY MARTINEZ**

Councilmember, 6th District

Cc: Mayor Eric Garcetti  
Holly Wolcott, City Clerk  
Miguel Santana, City Administrative Officer  
Sharon Tso, Chief Legislative Analyst

Attachment

## RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

### Incentivize Proactive Repairs by Property Owners

1. Regarding sidewalk repair cost sharing, financial assistance and incentives:
  - a. Instruct the City Administrative Officer, with assistance from the Bureau of Engineering, to develop and report back on options for implementing a per-square foot cost sharing rebate program, with a maximum total cap per parcel, for sidewalk repair performed by property owners during the first three years of the Sidewalk Repair Program with the intent to accelerate privately funded repairs; rebates to be a fixed amount of approximately 50 percent of average cost/square foot.
  - b. Instruct the Bureau of Engineering to establish a pre-qualified contractors list for sidewalk repairs for use by the City or the public and provide Council with a status report within 60 days.

### Inspection and Certification

2. Instruct the Bureau of Street Services, with assistance from City departments that perform construction inspections, to report back on options and required resources for implementing a Sidewalk Inspection Program that complements the Sidewalk Repair Program, including a Sidewalk Certification Program.

### Comprehensive Repair Program

3. Request the City Attorney, with assistance from the City Administrative Officer and Board of Public Works, to prepare an ordinance effectuating a Sidewalk Repair Program that is consistent with the approved Willits, et al. v. City of Los Angeles Settlement (Willits) Term Sheet (C.F. 11-0573).
4. Instruct the Bureau of Engineering, with assistance from the City Administrative Officer, to report back on options for determining the size of a per-parcel cap on the City's cost obligations for sidewalk repairs on different parcel types.
5. Designate the City Engineer as the program manager for the City's Sidewalk Repair Program, and instruct the City Engineer to deliver the program in a cost effective manner, under the oversight of the Board of Public Works.
6. Instruct the Bureau of Engineering, with assistance from the Department on Disability and Personnel Department, to report back on options and required resources for an ADA Coordinator for Pedestrian Rights-of-Way as described in the approved Willits Term Sheet (C.F. 11-0573).

7. Instruct the Bureau of Engineering to implement the Sidewalk Repair Program utilizing resources in a manner consistent with the approved Willits Term Sheet (C.F. 11-0573), which includes “Access Requests” and “Priority List” repairs and other Federal requirements.

#### Warranty for Future Damage

8. Request the City Attorney to prepare and present ordinances that amend all relevant sections of the Municipal Code regarding sidewalk repairs to phase-in the transfer of sidewalk repair responsibility back to property owners as follows:
  - a. Initiate a fix and release program for sidewalks adjacent to all properties, with the exception of property owned by other public agencies and with a per square foot and per parcel cap on repair work paid for by the City;
  - b. Provide a 20 year guarantee or warranty, prior to returning the responsibility for future repairs back to residential property owners;
  - c. Provide a five year warranty for certified commercial and industrial properties; and,
  - d. Extend the above warranty to inspected sidewalks certified as ADA compliant.

#### Prioritizing and Coordinating Repairs

9. Instruct the Bureau of Engineering to develop a prioritization and scoring system that assigns a numerical score to each sidewalk segment, based on the following:
  - a. The “Priority List” criteria, as indicated in the Willits Term Sheet;
  - b. Severity of damage;
  - c. Cost effectiveness and contiguity of a damaged section;
  - d. Liability concerns;
  - e. A mobility disability nexus by nearby residents or other users of the sidewalk;
  - f. The propensity of complaints about the segment in question; and,
  - g. Volume of pedestrian traffic.
10. Instruct the Bureau of Engineering, with the assistance of the Information Technology Agency, to report back on options and required resources for a system to track constituent calls categorized as “Access Requests” for sidewalk and curb ramp repair/construction, including the development and implementation of a GIS mapping to graphically display such requests.
11. Instruct the Bureau of Engineering and the City Administrative Officer, with the assistance of the Information Technology Agency to report back with the framework and resource needs to develop and implement a Sidewalk and Curb Ramp Asset Management System to assist with the management and reporting requirements of the Sidewalk Repair Program and Sidewalk Inspection Program.

#### Demand-based Repair Work Coordinated by Council Offices

12. Instruct the Bureau of Engineering and Department on Disability to work with Council offices on the delivery of “Access Requests” sidewalk and curb ramp repairs/construction with approximately equal amounts allocated amongst Council offices, and instruct the City Administrative Officer to periodically report on the reprogramming of any unobligated funds to areas with outstanding need.

*Division of Labor for the Repair Work*

13. Instruct the City Engineer to utilize both public and private labor forces working side-by-side in effectuating repairs as follows:
  - a. Employ City forces to make (i) “Access Requests” based repairs, (ii) repairs found to be a particular liability concern, and (iii) repairs to sidewalks under the City’s warranty; and,
  - b. Employ private contractors to perform the remainder of sidewalk repairs by dividing the City into regions and putting each out to bid as directed by the City Engineer.

*Preserving the Urban Forest While Maintaining Accessibility*

14. Authorize the Bureau of Engineering to initiate a project-level Environmental Impact Report (EIR) for implementation of the Sidewalk Repair Program, and instruct the Bureau of Engineering, with assistance from the City Attorney, to report back on the required resources and timeline for the EIR.
15. Instruct the Bureau of Street Services, with assistance from the City Administrative Officer and Chief Legislative Analyst to report back with recommendations on:
  - a. Best practices for the maintenance of the urban forest, including tree retention standards, tree removal criteria, tree replacement standards, tree planting site selection, tree well size, tree establishment standards, and the incorporation of green infrastructure standards;
  - b. Simplifying and streamlining the City tree removal and replacement policies and procedures so that they do not hinder the progress of sidewalk accessibility repairs;
  - c. Ensuring that any trees removed are replaced and that the health and size of the City urban forest is protected;
  - d. Ensuring that alternatives are considered prior to removing a tree and replacements are consistent with the City goals of protecting infrastructure (e.g. sidewalks, curbs, streets), minimizing operations and maintenance costs (e.g. location near street lights and traffic signs), and minimizing use of water for landscaping; and,
  - e. Policies and procedures addressing the potential use of alternatives to tree removals such as meandering sidewalks, bump outs, grade separations, and tree relocations.

*Utilizing Non-Standard Sidewalk Designs and Materials*



16. Regarding design, construction standards and alternative materials for sidewalk repairs and construction:
  - a. Instruct the Bureau of Engineering, with the City Administrative Officer, to report on cost-sharing proposals that would facilitate the use of alternative materials; and,
  - b. Instruct the Bureau of Engineering, with the General Services Department, to report every three years with alternatives to Portland cement.
17. Instruct the Board of Public Works to report back on establishing green infrastructure standard plans available to the public for implementation of sidewalk repairs.
18. Instruct the City Administrative Officer to report back on potential funding sources for green infrastructure components of sidewalk repairs and construction.

*Leveraging the Sidewalk Program, Accelerating Construction and Alternative Financing Options*

19. Instruct the City Administrative Officer to report back with financing and delivery options for the Sidewalk Repair Program that will accelerate the overall work plan to the shortest timeframe possible; options for achieving this may include a Public Private Partnership (P3).
20. Instruct the Bureau of Contract Administration to report back with recommendations relative to leveraging the sidewalk repair program for workforce development and job training programs through the inclusion of small, women and minority owned businesses, as well as the hiring of at-risk, former gang members, and other transitional residents from underserved communities.

*Tree Root Exception*

21. As part of the request to have the City Attorney prepare and present ordinances that amend all relevant sections of the Municipal Code regarding sidewalk repairs to phase-in the transfer of sidewalk repair responsibility back to property owners, request that the City Attorney repeal the street tree root exception codified in Section 62.104, which will allow the City to fairly cite and enforce against sidewalk damage under the 1911 Improvement Act, which governs sidewalks under State law.