

# Sidewalks: It Is All About the Benjamins

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LA WATCHDOG-The City Administrative Officer has devised a policy to finance the repair our broken sidewalks without having to raise our taxes. This is a far cry from a year ago when the City Council was considering a hefty tax increase to fund the estimated \$1.5 billion need to repair over 4,600 miles of busted sidewalks.

The catalyst for this new policy is the April Settlement Agreement involving the Willits class action lawsuit which alleged that the City was not in compliance with the Americans with Disabilities Act. This Settlement Agreement will require the City to spend almost \$1.4 billion over the next thirty years to “ensure better access for persons with mobile disabilities to the City’s sidewalks, curb ramps, cross walks pedestrian crossings, and other walkways.”

The CAO is also recommending that commercial properties, including apartment buildings with five or more units, assume responsibility for the repair and maintenance of their sidewalks. Owners would be given two years to repair their sidewalks. This will result in considerable “savings” for our cash strapped City.

Residential properties, on the other hand, will be subject to a “Fix and Release” policy where the City will either make or pay for the repair of tree damaged sidewalks, after which the homeowner will be responsible for all future sidewalk repairs. However, the timing of any repairs is up in the air as residential neighborhoods are at the bottom of the food chain.

The logistics of implementing the Sidewalk Repair Program are not only complicated, but extremely risky, as the City does not have the experienced management, modern information systems, or the organizational structure to ensure the efficient operation of an organization that will require input and cooperation from multiple City departments.

For example, the new policy memo calls for the establishment of a Sidewalk Repair Fund to ensure transparency and accountability, a Sidewalk Inspection Program so that the City can begin to get a better understanding of the status of its sidewalks, and the creation of a Sidewalk Asset Management System to track the progress of its “comprehensive sidewalk management strategy.”

While the Department of Public Works and the City Engineer will oversee the Sidewalk Repair Program, this will involve working with the Board of Public Works, the Bureau of Street Streets Services, the Bureau of Engineering, and Contract Administration. In addition, Public Works will also need to coordinate with the Department of Transportation, the Department of Aging, the Department of Disability, General Services, the City Attorney, and the members of the City Council.

And to further complicate matters, the City will have to report every six months to the new ADA Coordinator of Pedestrian Rights-of-Way, a position mandated by the Settlement Agreement.

The policy memo suggests three options for performing the actual repairs to our sidewalks: hiring additional City workers, hiring outside contractors, or creating a preapproved list of contractor that constituent can use directly.

While the City will be responsible for the administration and oversight of the Sidewalk Repair Plan, including the design and construction standards and the inspection and certification of the work, possibly with some help from experienced industry participants, the actual work, especially in the early years, might be performed more efficiently by independent contractors given the results of Controller Ron Galperin's damning audit on the Bureau of Street Services which is responsible for our sidewalks.

The City Administrative Officer has proposed a sustainable solution to fund the repair and maintenance of our sidewalks. Needless to say, there will be numerous attempts to influence this policy and its implementation, including by members of the City Council who will want the work performed by inefficient and poorly managed City work crews.

But as New York Governor Marion Cuomo said, "It is not government's obligation to provide services, but to see that they are provided." This is sound advice for our cash strapped City that should be heeded by the City Council.

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