

The Sidewalk Settlement: Is It a Good Deal?

07 Apr 2015 Written by Jack Humphreville



LA WATCHDOG—On April Fools' Day, the City announced that it had reached a settlement agreement on the Willits v. City of Los Angeles class action lawsuit that 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, crosswalks, pedestrian crossings, and other walkways.”

This settlement is an excellent deal for City Hall as was evident by Mayor Garcetti’s eleven hundred word press release. It praised the efforts of City Attorney Mike Feuer, City Council President Herb Wesson, and Councilmen Paul Krekorian, chair of the Budget and Finance Committee, and

Jose Buscaino, chair of the Public Works Committee.

This agreement eliminates a major distraction for the City as there was the real possibility of a harsher judgment that would have to be funded over a shorter period of time.

This settlement will not require City Hall to ask two thirds of the voters to approve a tax increase as the \$1.4 billion required over the next thirty years will be easily funded from current and projected tax revenues, especially during the first five years when the cost will be “only” \$31 million a year.

This arrangement will hopefully mitigate the trip and fall claims that have cost the City \$5 million a year.

As an added bonus, this settlement eliminates the threat of additional class action lawsuits regarding the sorry shape of our system of broken and cracked sidewalks.

This is also a great deal for the reputations of the plaintiffs’ lawyers as “this \$1.4 billion settlement is the largest disability access class action settlement in U.S. history.”

The City’s compliance will also be monitored by an outsider paid by the City who will provide semi-annual reports on the City’s progress in meeting its legal obligations.

The plaintiffs’ lawyers will be entitled to \$15 million in attorneys’ fees and costs.

This payment will be highly controversial as maintaining and repairing our sidewalks (and our streets as well) is something that the City should have been doing all along.

However, this deal may not be so great for the City’s residents.

While Garcetti is touting that his “Back to Basics” sidewalk repair plan “will improve access and safety and boost property values and neighborhood pride,” the reality is that residential neighborhoods are last in line to receive the benefits of this settlement agreement.

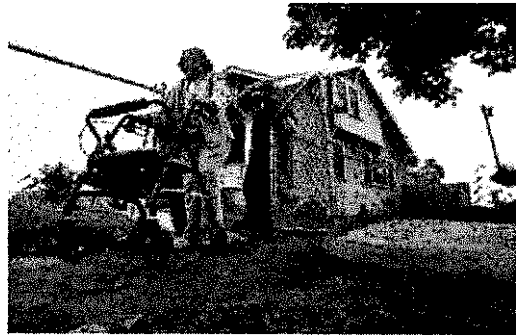
Taking priority - in order of importance - are: 1) City offices and facilities such as parks, libraries, and police and fire stations; 2) transportation corridors; 3) hospitals, medical centers, and assisted living facilities; 4) places of public accommodations such as commercial and business zones; 5) facilities containing employers; and finally 6) residential neighborhoods.

There is also the question of whether the City will assume its responsibility to repair our tree damaged sidewalks (or at least the damaged sections), and if so, when and under what terms and conditions.

Last year, when the City was discussing a half cent increase in our sales tax to fund the repair of our streets and sidewalks, one alternative was to implement a financing plan where property owners and the City would split the cost 50/50. There was also a discussion about a "fix and release" policy where the City would repair our tree damaged sidewalks but transfer future responsibility back to the property owner.

There is also the question whether this settlement will provide the resources necessary to repair and maintain our sidewalks in "good to excellent" condition. Last year, we were informed that the cost to repair the 40% of our 10,750 miles of sidewalks that were in a state of disrepair would be \$1.5 to \$2 billion over the next ten to twenty years. This did not include the annual cost of maintenance.

The City must also develop a comprehensive strategic, operational, and financial plan to implement the repair and maintenance of our sidewalks. But there are serious questions as to whether the Bureau of Street Services which is responsible for our sidewalks has the management wherewithal given Controller Ron Galperin's scathing audit of the Bureau last July.



There is also the question of whether the City should retain outside contractors to do some or all of the repair work given the inefficiency of the Bureau's work crews.

The settlement agreement is in the best interests of the City and its residents as it ends the threat of a burdensome judgment. But this agreement does not provide adequate financial resources to restore our 10,750 miles of sidewalks to "good to excellent" condition in a timely manner.

As part of Garcetti's "Back to Basics" plan, we need a full, no spin presentation of how the City proposes to repair and maintain our sidewalks over the next ten to twenty years, especially those in our residential neighborhoods.

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