

ITEM 1
 14-0163-S3
 14-0420-S2



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CF14-0163-S3; 14-0420-S2
 ITEM 1 SPL MEETING 6/1/15
 COUNCIL; B&F; PUB WKS
 COMMITTEES

E. Pulst

M. Espinoza

STATEMENT of J.H. McQUISTON on
 REPAIR & MAINTENANCE of SIDEWALKS¹

Honorable Chairmen and Members of the Committees:

I read the CAO Report dated May 26, 2015. The CAO has it right. The City must bill the property owner for work it performs on "sidewalks". People may be educated by looking in the CF for my Statements.

1. I believe the CAO Report's title is misleading. A "sidewalk" is not "adjacent" to private property, it is "ON PRIVATE PROPERTY". The public is misled by not properly-defining "sidewalk" as a City-easement for the property owner to repair and maintain (except a State Highway case; if lying on State-owned land the State requires abutting property owner to repair and maintain).

Older persons, and persons who the City mandated to construct or reconstruct the City's easements, know the underlying truth about this law. Other persons younger than 58 probably don't.

City needs to educate the younger-contingent (and some old-timers) about these laws of State and City, so people will understand it is their legal duty to repair and maintain "their sidewalk".

2. CAO overlooked a source for immediate identification of sidewalks requiring repair or maintenance.

Charter Section 910, also enforced by Ordinance, requires neighborhood councilmembers to monitor and report sidewalks for-which the City has failed to get repaired or maintained.

There are 1500 or more neighborhood persons all over the City which are required to do that monitoring so are immediately-available as a resource. The CAO Report has criteria for monitoring. NCs already have electronic ability to communicate data to Street Services.

I suggest Council put NCs into action for this part (data base). Also GRYD for repairs by owners.

3. CAO left out the criterion for defining public-nuisance trees that must be removed. I suggest that any tree which caused the sidewalk to be unsafe is a public nuisance. Repair would only be temporary if the nuisance is not removed and suitably-replaced.

4. CAO left out the criterion for defining when a City representative will remove a tree declared to be a public nuisance, vs when the landowner will be required to remove it. I suggest that the tree's widest trunk-diameter shall be measured 42 inches above ground (equal to the permitted easement-line fence-height per LAMC). If the dimension exceeds 10 inches, the landowner must permit the City to remove the tree and landowner shall be billed for the work.

Respectfully submitted,

J. H. McQuiston

¹By "sidewalk" I mean its definition in Calif. Streets & Highways Code, which is also in CF in McQuiston Statements on this matter.