

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: October 24, 2014

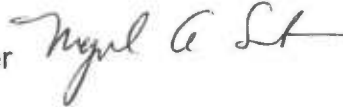
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Council District: ALL

To: Mayor  
Council

From: Miguel A. Santana, City Administrative Officer



Reference: Limited Sidewalk Repair Plan Report – CF 13-0600-S109 – Revised

Subject: **2014-15 SIDEWALK REPAIR PROGRAM – ADJACENT TO CITY FACILITIES**

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### SUMMARY

The Fiscal Year 2013-14 Adopted Budget allocated \$10 million in the Unappropriated Balance for sidewalk repair. As a result of the recession, the City has not had a Sidewalk Repair Program since 2009. On April 25, 2014, the City decided to restart the Sidewalk Repair Program in 2013-14 by first repairing sidewalks adjacent to City facilities. This priority was established because the City is clearly responsible for the sidewalks adjacent to City facilities and the discussion of how sidewalk repairs will be accomplished adjacent to private property will require settlement of multiple lawsuits and significant policy determinations to be made by the Mayor and Council.

In the last eight weeks of 2013-14:

- A total of \$3 million was appropriated to the Department of Recreation and Parks (RAP), Bureaus of Street Services (BSS), Engineering (BOE) and Contract Administration (BCA) for this purpose;
- A total of 21 locations with damaged sidewalks were selected for repair, including the Los Angeles Convention Center, libraries, recreation centers, parks, and civic/constituent service centers (Attachment A); and,
- A combination of contractors and City forces were used to repair sidewalks in order to maximize the number of locations that were repaired during the remainder of the 2013-14 Fiscal Year.

On July 1, 2014 the City Council authorized the City Controller to reappropriate \$7 million in unspent sidewalk repair funds to the 2014-15 Capital Improvement Expenditure Fund, Sidewalk Repair Account. Additionally, the Fiscal Year 2014-15 Adopted Budget allocated \$20 million in the Unappropriated Balance for sidewalk repair. This provides a total of approximately \$27 million in the 2014-15 Budget for Sidewalk Repair. This Office recommends that the City establish a Sidewalk Repair Fund to increase transparency in the oversight of these funds and to reflect the projected long-term nature of this Program.

It is recommended that the City continue to focus on repairing sidewalks adjacent to City facilities during the 2014-15 Fiscal Year for the following reasons:

- It appears that a significant amount of work remains to be completed. Our Office coordinated with staff from various City departments to compile a list of potential locations for sidewalk repair. The Library, El Pueblo and the Departments of Aging, Recreation and Parks, Cultural Affairs, General Services, and Fire identified potential locations for repair (Figure 1);
- The City is involved in multiple ongoing litigation actions related to compliance with the Americans with Disabilities Act (ADA) and the resolution of these actions is projected to have an impact on how the City approaches the repair of sidewalks adjacent to private property. Repair of sidewalks adjacent to City facilities can continue independent of the litigation.
- Once the litigation is resolved, significant policy determinations will be required by the Mayor and Council to establish a comprehensive sidewalk program for sidewalks adjacent to private property. The Council has introduced motions relative to the development of a comprehensive sidewalk repair strategy that addresses pending litigation through consideration of items such as, but not limited to, a cost sharing program for residential sidewalk repairs, point-of-sale, point-of-permit, assessment districts, and alternative sidewalk materials. This Office, in conjunction with other City departments is in the process of reporting on these matters. A report back is expected upon the resolution of the ADA litigation. Moving forward with repair of sidewalks adjacent to City facilities is required regardless of the outcome of this discussion.

Figure 1

City Department	Number of Locations with Sidewalk Damage
Aging	3
Cultural Affairs	5
Fire	50
El Pueblo	1
General Services	14
Library	21
Recreation and Parks	141
Total	235

### Implementation and Staffing

The Department of Public Works has indicated that they do not have sufficient available staff to implement an ongoing sidewalk repair program. The 2013-14 Sidewalk Repair Program relied upon quickly redirecting existing City staff from existing high priority work and by using pre-approved contracts to complete the repair work. However, this was a short-term staffing solution that is not sustainable over a longer period of time. Long-term redirection of these staff increases the likelihood of significant delays in the completion of other important street projects.

Given the anticipated growth of the Sidewalk Repair Program in future years to address damaged sidewalks adjacent to private property, this Office believes that new resources, including City staff and contractors, will eventually be required. As such, since the workload is predicted to extend far enough into the future, hiring new City staff now as part of the effort to repair sidewalks adjacent to City facilities is justified.

This Office also recommends that the City use outside contractors to assist with the Sidewalk Repair Program and that funds be provided for that purpose. The use of contractors to supplement City staff will allow the City to properly size the City workforce through an incremental and strategic approach.

However, contracting out the repair work still requires City staff to oversee the contractor and review and approve permits. Therefore, it is recommended that appropriate staff be provided to the Department of Public Works to assist in contract administration.

The process of establishing new positions and hiring and training new City employees can take some time. Therefore, to ensure that the maximum amount of work is completed this fiscal year, it is recommended that the Department of Public Works be instructed to loan existing staff from other programs to the Sidewalk Walk Repair Program, until new staff can be hired. While this approach will impact various existing projects, due to the ongoing liability the City is exposed to from broken sidewalks, the prioritization of the Sidewalk Repair Program is justifiable.

#### *Department of Recreation and Parks (RAP)*

The RAP submitted a Sidewalk Repair Plan for the current fiscal year consisting of 140 facility locations (Attachment B) and approximately \$7.2 million in estimated construction and staff costs. RAP utilized existing contractors for the 2013-14 Sidewalk Repair Program. It is recommended that the Department continue to utilize existing contractors to perform the sidewalk repairs to sidewalks adjacent to its facilities during the current fiscal year. RAP will be the Program Manager for this portion of the work and be responsible for managing the contract bid and award process as well as pulling all required City permits for performing work in the public right-of-way and coordinating with the Public Works Urban Forestry on street tree issues.

#### *Bureau of Engineering (BOE)*

It is recommended that the Bureau of Engineering be the Program Manager for the Sidewalk Repair Program for non-RAP facilities. As Program Manager, BOE will be responsible for all Program reporting, location prioritization, design, bid and award, construction management, and post construction responsibilities for non-RAP and non-proprietary sidewalks. BOE will gather information from the proprietaries on sidewalk repair adjacent to their facilities and report this information to the Council and Mayor. BOE will also maintain a record of all sidewalk repairs, including those performed by the RAP and proprietaries.

A total of nine new positions within the Bureau are needed to implement the Program at a cost of \$662,223 for the remaining nine months of the Fiscal Year (Attachment C). BOE will need to loan staff from other programs to perform program management and quality control until new staff can be hired. It is also recommended that \$675,000 be allocated for BOE to issue a Task Order Solicitation for additional engineering and program administration support, including survey. This will provide nine months of funding for the remainder of the Fiscal Year. The consultants would be used as staff augmentation and would assist with all aspects of the BOE program management workload, especially responding to field issues where standard plans may not be sufficient and coordinating mapping so that information can be stored in a Geographic Information System layer. The total estimated direct cost for staff and consultants for the remaining nine months of the Fiscal Year is \$1,337,223.

### *Bureau of Contract Administration (BCA)*

The Bureau of Contract Administration (BCA) will be responsible for all quality control including progress payments and contract compliance. The Bureau will require six full time new staff positions at a direct cost of \$410,630 for the remaining nine months of the Fiscal Year, plus \$20,625 for mileage, for a total cost of \$431,255 (Attachment C). The staff will consist of two Senior Construction Inspectors, three Construction Inspectors, and one Management Analyst for the Office of Contract Compliance.

### *Bureau of Street Services (BSS)*

Although BSS's sidewalk repair program was eliminated several years ago along with dedicated crews, BSS does have qualified staff that perform other concrete related functions assigned to other programs/projects. BSS has identified up to six Special Projects Division crews and two Small Urban Forestry Division crews that could be re-assigned to perform City facility sidewalk repair. It is important to note that doing this would result in BSS's previously scheduled work being delayed or deferred, including the following:

- Design-build street projects;
- All weekend projects funded by Council discretionary funds; and,
- Urban Forestry emergency response.

Although the Bureau was able to reassign existing crews to sidewalk repair work last Fiscal Year, it delayed other projects that the Bureau now has to complete this fiscal year. As such, it is recommended that sidewalk construction be primarily performed by private contractors managed by BOE, with BSS responsible for providing a minimal level of sidewalk construction and support on tree related issues, such as inspection of street trees and recommendations regarding tree removals and tree root pruning. BSS has indicated that they will need new staff for this.

At this time, it is recommended that resolution position authority be added for two Sidewalk Construction Crews and Urban Forestry Division (UFD) Support staff, which consists of a total of 31 new positions (Attachment C). The UFD Support staff includes one dedicated crew to support the Sidewalk Construction Crews, Tree Surgeon Supervisors to inspect trees and make determinations for the sidewalk construction that is contracted out, and administrative staff to manage the workload related to any necessary tree removals. The total estimated direct costs for labor for the remaining nine months of the fiscal year is \$1,806,251. Expense funding for all construction equipment and materials will be reimbursed via the Financial Status Reports.

### **Sixth Street Bridge Project**

The Sixth Street Viaduct, a reinforced concrete structure with steel arches over the Los Angeles River, is a historical landmark built in 1932. The bridge is one of California's longest bridges in a high population zone, spanning more than 3,600 feet. It also serves as an important transportation east-west corridor, linking Boyle Heights and downtown Los Angeles by carrying two lanes of traffic in each direction over the Los Angeles River, Santa Ana Freeway, several railroad tracks and surface streets. The viaduct is composed of three independent structures: the reinforced concrete west



portion, the central steel arch section over the Los Angeles River, and the reinforced concrete east portion. The portion of the bridge spanning over the I-5 Freeway is owned by Caltrans.

The Sixth Street Viaduct suffers from a condition known as Alkali Silica Reactivity (ASR) which weakens the concrete strength and limits the ability to retrofit the bridge to current standards. The bridge is listed on Caltrans' mandatory seismic retrofit list and analyses performed indicate that this bridge has a 70 percent probability of failure, as compared to a standard of 10 percent, during a 7.0 magnitude earthquake within the next 50 years. This probability of failure increases every year. There are no known methods to reverse or stop ASR and if nothing is done to mitigate the ASR impact, the concrete elements will crumble and fall apart. No other bridge in the City has this severe condition. As a result of its declining condition, the Sixth Street Bridge is in need of replacement. The City is working with the California Department of Transportation (CalTrans) and Federal Highway Administration Staff (FHWA) to design and construct a new bridge with Federal Highway Bridge Program (HBP) funding.

This project includes an Offsite Intersection Package comprised of various improvements at 14 intersections along the detour routes to facilitate the flow of traffic during demolition and construction of the Sixth Street Viaduct. The improvements vary from intersection to intersection and include installing new signal poles, left turn signals, signal detector loops, signal controllers, audible pedestrian signals, street lighting, right turn lanes, upgrading pedestrian access ramps, replacing sidewalks, pavement restoration, tree replacement, striping for new turn pockets, and new signal and detour operation conditions. As part of the project funding eligibility review, CalTrans and FHWA have determined that some of the planned improvements for the Offsite Intersection Package are not eligible for HBP funding.

Some of the ineligible costs are for sidewalk accessibility and pedestrian safety. This work is in accordance with City standard practice and is estimated to cost \$2.1 million. For example, if HBP is funding replacement of a curb ramp on one corner of an intersection, the City will replace the other curb ramps at the intersection if they do not meet current Americans with Disabilities Act (ADA) standards. This is important to ensure that a person is not stranded in an intersection.

Since the overall Bridge Program has a funding deficit and since these costs have been deemed ineligible costs for the Federal funds provided to this project, an additional appropriation is necessary to allow the construction of the sidewalk and pedestrian safety work. Therefore, it is recommended that funding from the Unappropriated Balance for Sidewalk Repair be used to fund the Offsite Intersection Package work elements that are related to sidewalks and pedestrian safety installation that are not eligible to be funded through the Federal Highway Bridge Program (Attachment D).

**Fiscal Year 2014-15 Recommend Budget**

Based on all of the items discussed in the previous sections of this report, a total of \$27 million is recommended to be allocated as follows:

**Fiscal Year 2014-15 Sidewalk Repair Program Budget**

	Total	Percent of Funding
Department of Recreation and Parks (RAP)	\$ 7,201,886	27%
Bureau of Engineering (BOE)	\$ 662,223	2%
Bureau of Contract Administration (BCA)	\$ 431,255	2%
Bureau of Street Services (BSS)	\$ 1,806,251	7%
Consultant Survey and Engineering Contracts	\$ 675,000	2%
Construction Expense (BSS) and Contracts for Non-RAP Sidewalks	\$ 14,155,975	52%
Sixth Street Bridge Project	\$ 2,100,000	8%
<b>Grand Total</b>	<b>\$ 27,032,589</b>	<b>100%</b>

**Projected Program Output**

In Fiscal Year 2013-14, an initial survey of sidewalk repair requirements produced a list of locations adjacent to City facilities that require repair. The Program included an estimate that 180,834 square feet of sidewalk repairs at 21 locations could be repaired for an estimated cost of \$3.7 million (Attachment A). City staff and contractors were both used. The results of this program are still being officially reconciled and are not yet available.

In Fiscal Year 2014-15, the initial survey of sidewalk repairs will be enhanced to provide a better estimated cost of total sidewalk repair requirements adjacent to City facilities. While it is not yet known the full scope and cost of these repair requirements, the City will repair as many square feet as possible. The Department of Recreation and Parks has reviewed approximately 1/3<sup>rd</sup> of their parks and estimates that an additional \$7.2 million will be required for repairs. Additionally, the Bureau of Engineering is estimating that \$2.1 million in repairs will be done around the footprint of the Sixth Street Bridge project to ensure pedestrian safety. Additional repairs will be focused around City libraries, Fire Stations and other City facilities.

As the Program matures, the City will make an effort to develop metrics that allow for comparison between projects and an evaluation of effectiveness. However, at this time, a metric does not exist. Information from other sidewalk repair efforts show that a range of costs from \$8 per square foot to \$16 per square foot can be expected for concrete removal and replacement, excluding design, tree related work, curbs, curb ramps, etcetera. Concrete curb replacement is significantly more expensive and can range between \$20 to \$25 per square foot. The price for curb ramps can also vary greatly from \$3,000 to \$9,000.

It is important to note that sidewalk repair costs can vary significantly by location. Each location is different and may require different repair methodologies. Variations from location to location occur in base materials costs, the volume of material required, labor costs, type and amount of labor, complexity of design drawings, utility relocation costs, tree-related costs, eminent domain or land