


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 16, 2012

TO: Public Works Committee of the Los Angeles City Council

Attn: Office of the City Clerk
Room 395 City Hall

FROM: 
Nazario Saucedo, Director
Bureau of Street Services

SUBJECT: Sidewalk Repair Options (C.F. 05-1853 and 05-1853-S1)

This follows up Bureau of Street Services (BSS) reports dated April 8, 2010, October 19, 2011 and January 30, 2012, which were most recently discussed at the Public Works Committee Meeting on February 1, 2012. This report should be considered together with the City Attorney's report and proposed Ordinance, dated March 31, 2011.

RECOMMENDATIONS

1. Receive and file this report establishing an asset management program for the City parkway which includes the sidewalks and urban forest.
2. Instruct the Bureau of Street Services to solicit cost estimates for a comprehensive condition survey and creation of an asset management database for the City parkway.
3. Instruct the Bureau of Street Services to report back to this Committee in 90 days with the estimated funding needs to implement the recommendations outlined in this report.

DISCUSSION

In Los Angeles, it has been roughly estimated 40 percent of the sidewalk network or 4,600 miles requires repair and cost upwards of \$1.5 billion. The sheer magnitude of such costs requires carefully developing a clear understanding of the repair scope and funding strategy. That critical process not only helps elected officials and voters make informed decisions but makes the best use of very limited staff resources and helps ensure the City ultimately provides what constituents expect. Repairing the city's sidewalks continues to be an important issue given its negative effect on property values, pedestrian mobility and its contribution to over 2,500 trip and fall claims each year.

Following considerable discussion by staff, City officials and the Council Committees, the BSS was instructed to investigate a Citywide Bond and Assessment Districts as the two funding strategies deemed most practical and appropriate for a sidewalk repair program. Both require voting by the electorate. Two other repair options were still under consideration and awaiting further instruction by the Public Works Committee, the Point-of-Permit and the Point-of-Service [PoP/PoS], both of which

would require adoption of ordinance(s) placing full responsibility for repairs with the adjacent property owner.

Assessing the Sidewalk Network and Quantifying a Citywide Bond or Assessment District(s)

A significant outlay of staff and funds is required to generate a sufficiently detailed bond or assessment proposal that allows healthy discussion, action by the City Council and Mayor and ultimately, a vote by the electorate. Further, depending on how the proposals are formulated, each is expected to receive varying thresholds of support. Hardships and exemptions also must be defined, including situations where sidewalks are impractical, property owners have verified inability to pay, and defining the role trees have in the urban forest among other important matters.

Since residents directly encounter sidewalks daily, it is our belief detailing how the proposed bond or assessment specifically improves that experience is critical for successful passage. That is different than say, the 2004 Proposition "O" Clean Water bond measure which did not specify specific street-level objectives. Proposition "O" essentially created a \$500 million grant program that was only able to itemize how bond monies were specifically to be spent two years after its passage. Proposition "O" also was in response to new regulations by the State of California and U.S. Environmental Protection Agency, occurred pre-recession and enjoyed widespread grassroots support from individuals and nonprofit organizations. On the other hand, sidewalk repairs are expected to cost much more, have not been subjected to new regulatory changes, are being addressed during an economic downturn and has unknown support.

Having accurate information about the City sidewalks is therefore essential to characterize the problem, understand how the City, property owners and sidewalk uses interact and structure the most advantageous program. This key first step is a detailed survey to evaluate and catalogue all City sidewalks and parkways for condition, proximity, causes of damage and physical description. Even though the City previously performed isolated evaluations in targeted areas, those were not documented rigorously nor part of any Citywide or region-wide effort. That is likely due to the simple fact the City never acknowledged full maintenance and liability responsibility for the sidewalks. Where sidewalk damage resulted from tree root growth, the City is responsible and, where other sidewalk damage is present, the adjacent property owner is responsible per L.A.M.C. 62.104 and California Code §5600 et seq. At damaged sidewalk areas, both types of damage are often present creating mutual responsibility.

For several decades, neither the property owners collectively nor City asserted itself to unilaterally make all repairs or assume the costs for a condition survey. That is not intended to discount individual property owners, residents, associations and businesses who well maintained their frontage or City-sponsored efforts available with special funds or grants. To be reliable and useful, such a survey requires trained individuals systematically making determinations at each sidewalk area of each parcel throughout the City and compiling those determinations into an operable database. Should the City proceed, the BSS strongly recommends doing better than a one-time effort and taking the further initiative to create the baseline for a parkway infrastructure program. As public works professionals, that is essential to prevent the sidewalk survey and the efforts to produce that from becoming obsolete. A unique opportunity exists where nominal additional effort can leverage

the sidewalk survey into the creation of a robust, comprehensive database that captures the sidewalk, streetscape and urban forest infrastructure. The City of Los Angeles would then have the capability to expand the application of asset management and sustainability principles from the present curb-to-curb area to the full public right-of-way.

A [simple] sidewalk condition survey would document:

1. Sidewalk segment location – Address, parcel number, council district, etcetera.
2. Sidewalk segment description – Dimensions, terrain, slope, materials, etcetera.
3. Sidewalk condition – Types and extent of damage and wear.
4. Sidewalk damage causes, repair methods, costs, etcetera.

An expanded comprehensive survey to manage the full public right-of-way infrastructure would add:

5. Sidewalk compliance with current standards.
6. Slopes, bulkheads or other hardships that affect compliant sidewalk construction.
7. Curb and gutter condition.
8. Encroachments
9. Parkway illegal construction (such as noncompliant plants or noncompliant drains).
10. Trees - Species, size, tree trimming condition, general tree health, etcetera.
11. Tree wells – Document location and soil conditions and whether appropriate sized.
12. Parkway shrub and groundcover species, general health and trimming/mowing condition.
13. Opportunities for stormwater and urban runoff infiltration.
14. Parkway utilization.
15. Determining the baseline value of the parkway.
16. The ability to analyze parkway functions, determine the rate of depreciation, predict future maintenance costs, capitalize improvement projects and target maintenance efforts.

BSS invited over a dozen consultant firms and universities for a discussion and ideas exchange, and to learn of their experiences with other municipalities. Ultimately, BSS individually met with eight firms in addition to contacting numerous public agencies including many in California. The unanimous opinion is that a comprehensive database to manage the parkway has not been done before and would be a major assertion by the City of Los Angeles as a municipal leader. There was also substantial consensus in terms of qualifications, time to complete the database and budgetary estimate (well over \$10 million). Trained staff must collect raw data by walking the entire length of City sidewalks and are expected to do so for approximately eighteen months. Software would have to be developed/modified to process the raw data and is expected to require at least another six months.

The BSS does not have sufficient staff available to perform the assessment and create the database within a reasonable time and an engineering or architectural consultant would have to be procured. The scope also appears to preclude use of on-call consultants and requires a year to conclude a Request for Qualification and have consultants on board. With the creation of this comprehensive database, there will necessarily be specific knowledge gained about the parkway and numerous instances where the City must affect immediate repairs as imminent hazards are identified. An opinion by the City Attorney on this matter is essential to ensure City proceeds in a prudent, responsible fashion. With the expectation those instances may occur, the BSS recommends an

additional significant funding allocation for temporary sidewalk repairs.

<u>Creation of the Parkway Database</u>	<u>Estimated duration</u>
BSS staff: Develop, advertise and conclude RFQ	12 months
Assembling Comprehensive Parkway Database	24 months
- Consultant: Software development/ modification	Included above
- Consultant: Streetscape data collection	Included above
- BSS staff: RFQ management/ consultant oversight	Included above
- Contingency	Included above
 BSS staff: Temporary sidewalk repairs (as imminent hazards are identified)	 Performed concurrently
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Total	36 months

The still to be determined investment and 36 months will produce a Comprehensive Parkway Database that allows thoughtful structuring of a Citywide Bond or Assessment District(s). Different bond or district scenarios can be quantified based on different objectives. The following abstracts are only intended to describe key characteristics of each funding strategy. Prior to engaging staff and resources to develop any of the strategies, the City Attorney’s Office should be consulted to ensure all mandated steps and procedures are identified and adhered to. Funding allocated for the database phase of work is generally not recoverable by either a bond or assessment and must be absorbed by the City.

1. Citywide Bond

A Citywide bond creates an indebtedness to fund the sidewalk repairs. To pursue this option, staff from CAO, CLA and other City departments has to be identified. They would initially determine a viable size, scope and structure of a bond proposal, repayment terms, voter support, etcetera and whether it is a fiscally prudent use of limited City resources. That is followed with development of the bond proposal itself. Regardless of the outcome, bond development is an additional cost that must be absorbed by the City. Assuming all necessary staffing will be available, the bond development phase will still take an additional year before a proposition is ready for voters.

2. Assessment District(s)

Property owners within the City can form an assessment district to repair their sidewalks using the procedures in the California Streets and Highways Code. These districts do not require contiguous properties and the districts can be of any size. However, should property owners vote and fail to approve the assessment, the City is at risk for the additional considerable time, effort and expenses expended to propose the district. Besides the assessment district formation costs, the ongoing

administrative costs are approximately 20% of the assessment amount. Property owners are also generally offered the ability to pay in installments with interest.

After the Repair Scope is established, the Bureau of Engineering has resources to process only a few small districts each year so the formation of a large Assessment District or a large number of smaller Assessment Districts would require significant additional resources to develop and bring forward for a public vote and, if approved, require more resources to administer the Program over an extended period. Since sidewalk repair assessments have minimal precedents, it is expected to require additional staff time to establish methods and standards for calculating the proportional benefit of the sidewalks. After a staff and/or consultant team is fully on board, it is expected to take one year to produce an Assessment District proposal ready for a vote.

Repair Scope

With the Comprehensive Parkway Database, the Repair Scope for a bond or assessment district can be structured and/or prioritized in numerous ways. The Database readily facilitates the analysis of corresponding levels of support by constituents, property owners, business owners and elected officials for different Repair Scope criteria such as:

- Usage (e.g., schools, business areas, dining)
- Types of users (e.g., students, children)
- Geographical areas (e.g., hillsides, populations centers, commute hubs, council districts, neighborhood councils)
- Zoning (e.g., commercial zones, residential zones)
- Type of sidewalk damage or deficiency (e.g., spalls, cracking, tree root damage)
- Desired spending limits
- Desired time tables
- Capacity to augment other capital improvement projects
- Ability to satisfy competitive grants
- Special needs (e.g., replacing incompatible tree species, infilling missing sidewalk sections, runoff infiltration systems)
- Accident history

Instead of an iterative process, this analysis conserves the limited staff resources necessary to develop a bond or assessment by focusing only on the Repair Scope determined to have the highest probability of success. With built-in GIS features, the Database also readily allows corresponding maps to be generated as visual aids to help explain any Repair Scope.

For similar reasons, the PoP/PoS options would require the same Comprehensive Parkway Database. However, not only will the repairs be random and piecemeal, but the Database will likewise evolve at random and piecemeal fashion and over an extended length of time. Finally, PoP/PoS requires additional staffing, budget and front funding to administer the option(s), determine needed repairs at each property, verify satisfactory completion of repairs and issue compliance certifications.

Summary

Proceeding as recommended allows the BSS to manage the sidewalks, streetscapes and urban forest with a holistic approach. Similar Asset Management tools currently applied to the Pavement Preservation of our roadways can be expanded to the Parkway helping create the most durable, sustainable public works infrastructure possible. The Comprehensive Parkway Database is a quantum leap forward towards anticipating the needs of the Parkway, capitalizing its maintenance costs and establishing the basis for its cost efficient management.

Any resources derived from bonds or assessment districts can then be specifically applied with the anticipation of specific results. Any resources that become available *without* a bond or assessment districts can equally be precisely applied for maximum benefit. These new capabilities come at a significant cost but will pay dividends for decades to come if the City is ready to make this investment.

BSS is awaiting further instructions from this Committee whether quantifying the PoP/PoS options is desired at this time.

If there are any questions, please contact Ron Olive, Assistant Director at (213) 847-3333, or Hugh Lee, Principal Civil Engineer at (213) 847-0899.

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