

CITY COUNCIL MEETING
JULY 24, 1985

CC 452
Pg 489
CITY SIDEWALK
MAINTENANCE
POLICY ESTABLISHED

RES.NO. 85-93

Council was reminded that in May of this year the Staff reviewed with the City Council a draft Council Communication which included a proposed curb, gutter and sidewalk maintenance program. One recommendation included in that document was the initiation of a formal inspection and inventory program of the City's curbs, gutters and sidewalks. At its meeting of May 15, Council approved funding to commence this program. That inspection and inventory program will be completed in the very near future.

The proposed policy was reviewed with minor revisions being suggested. Following additional discussion, on motion of Council Member Snider, Olson second, Council adopted Resolution No. 85-93 establishing a curb, gutter, and sidewalk repair policy for the City of Lodi including amendments to paragraph "A". The motion carried by the following vote:

Ayes: Council Members - Olson, Snider, and
Hinchman (Mayor)

Noes: Council Members - Pinkerton and Reid

Absent: Council Members - None



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: July 12, 1985
SUBJECT: City's Sidewalk Repair Program

RECOMMENDED ACTION: That the City Council adopt a resolution establishing the attached curb, gutter and sidewalk repair policy.

BACKGROUND INFORMATION: In May of this year the staff reviewed with the City Council a draft Council Communication which included a proposed curb, gutter and sidewalk maintenance program. A copy of the draft Council Communication is also attached.

One recommendation included in the draft Council Communication was the initiation of a formal inspection and inventory program of the City's curbs, gutters and sidewalks. At the City Council meeting of May 15, the Council approved funding to start this program. That inspection and inventory program will be completed in the very near future.

Attached is a copy of the proposed curb, gutter and sidewalk repair policy which is recommended for adoption. There are only minor changes from the policy presented at the shirtsleeve session.

After the policy is adopted and the sidewalk survey is completed and computer inventoried, a formal on-going maintenance program will be forwarded to the Council for approval. At that time a proposal regarding the public relations program will also be made. This program may include a request for personnel and equipment to accomplish the ultimate repairs and an annual inventory. Until the survey is completed, it is impossible to determine the kinds and number of repairs and costs that are needed.


Jack L. Ronsko
Public Works Director

Attachments

JLR/cag

APPROVED:


THOMAS A. PETERSON, City Manager

FILE NO.

PROPOSED
CURB, GUTTER & SIDEWALK REPAIR POLICY

Property owners or tenants have the responsibility to report to the City of Lodi all defective sidewalk fronting their property.

I. SIDEWALK REPAIR

- A. TEMPORARY PATCHING - The City shall patch sidewalk where there is 3/4" - 1 1/2" vertical offset or minor irregularities. This will be done at no charge to the property owner. The property owner or tenant shall notify the City of any change in the condition of the sidewalk or the patched area.
- B. SIDEWALK REPLACEMENT - Sidewalks shall be removed and replaced when vertical offset is greater than 1 1/2" or slope is greater than 12:1.
 - 1. Sidewalk and driveway apron replacement will be done by City under the following conditions:
 - a. Damage caused by City-maintained trees
 - b. Damage due to grade subsidence
 - c. Damage due to City utility cuts
 - d. Damage due to heat expansion
 - e. Sidewalk fronting City-owned property
 - 2. Property owner shall replace sidewalk and driveway apron where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

II. CURB AND GUTTER REPAIR

- A. The City shall repair and maintain all curb and gutter.

III. TREE MAINTENANCE

- A. The City shall do root surgery on all City-maintained trees where it is required. City shall remove City-maintained trees when required under City's adopted Tree Policy. This work will be done in conjunction with the replacement of the sidewalk and/or the curb and gutter.
- B. The City shall not do root surgery on any privately-owned trees.

ROUGH DRAFT (Council Communication)

TO: City Council

FROM: City Manager

DATE: May 3, 1985

SUBJECT: City's Sidewalk Maintenance Program



ROUGH DRAFT

RECOMMENDED ACTION: That the City Council take the following actions.

1. Adopt a curb, gutter and sidewalk maintenance policy;
2. Initiate a formal inspection and inventory program of the City's curb, gutter and sidewalks;
3. Establish a program to keep this inventory updated;
4. Incorporate the policy into the city code;
5. Establish a public relations program to publicize the new policy;
and
6. Allocate funds to enable the Public Works Department to purchase equipment and hire personnel to correct the deficiencies which are the City's responsibility.

BACKGROUND INFORMATION: Over the last few years claims against the City for injuries and damages caused by deficiencies in the sidewalks have risen drastically. Exhibit A shows the amount paid for settled claims and the amount reserved for open claims from 1977 through March, 1985. Payments made for 1977 through 1983 totaled approximately \$10,000, whereas settlements and reserved costs for 1984 and 1985 total approximately \$130,000.

Since it is estimated that 90% of the deficiencies in sidewalks are caused by City-maintained trees, and new case law places the responsibility for damages in those circumstances on the City, a formal Curb, Gutter and

Sidewalk Maintenance Policy should be implemented. It should also be noted that even when the damage is not caused by a City-maintained tree, under the joint and several liability theory, cities in many cases are required to pay the full amount of damages regardless of the minimum amount of negligence attributable to them.

At the present time sidewalk repair and maintenance is the responsibility of the property owner regardless of the cause of damage. However, there is no formal inspection or notification to property owners to require repair of hazardous sidewalk, so it is replaced only when the property owner desires. The City does root surgery or removes City trees at the time the property owner replaces damaged sidewalk. The City takes responsibility for the replacement of damaged curb and gutter regardless of the cause.

In the following sections the above Recommended Actions will be discussed.

CURB, GUTTER AND SIDEWALK MAINTENANCE POLICY

It is recommended that the following items be included in a new curb, gutter and sidewalk maintenance policy:

1. City be responsible for maintenance of all curb and gutter;
2. City be responsible for sidewalk replacement under the following conditions:
 - a. Damage caused by City-maintained trees.
 - b. Damage due to grade subsidence.
 - c. Damage due to City utility cuts.
 - d. Sidewalk fronting city owned property.
 - e. Damage due to heat expansion.

3. Property owner be responsible for sidewalk and driveway apron replacement for causes other than those mentioned in Item 2;
4. City be responsible for root surgery on City-maintained trees where appropriate; and
5. City do temporary patching of sidewalks where deemed necessary.

Attached as Exhibit B is draft of the proposed sidewalk policy which more clearly defines these items.

In formulating this policy, we surveyed the policies of nine cities. The questions asked and the answers given as part of that survey are shown on the attached Exhibit C. The City of Visalia completed a more extensive survey of 140 cities throughout California to determine policies regarding replacement of curb, gutter, sidewalk and driveway approaches. Visalia found that 95% of the cities who replied removed and replaced curb, gutter and sidewalk damaged by parkway trees. A copy of that survey is attached as Exhibit D.

INSPECTION AND INVENTORY PROGRAM

To properly evaluate the existing status of the curb, gutter and sidewalk throughout the City, a formal inspection program should be initiated. Presently the Street Division receives notification of potentially hazardous areas through citizen complaint, employee observation, or an accident report. Many times the worst hazards are not observed or reported. The inspection and inventory program would provide a systematic scheduling of repairs according to the degree of hazard. In order to keep

this program functional, it would be necessary to make regular inspections and to update the inventory as work is completed.

The City of Stockton is using a software program for the IBM Personal Computer which keeps an inventory of the curb, gutter and sidewalk system. They have offered the use of this program to us.

ORDINANCE ESTABLISHING CITY POLICY

The Streets and Highways Code provides for the maintenance of curb, gutter and sidewalk. However, if a new policy is established, that policy should become part of the City code. Our present policy is not formally documented anywhere.

PUBLIC RELATIONS PROGRAM

When the policy on curb, gutter and sidewalk maintenance is adopted, it is recommended that an ongoing public relations program be established. It will be important that the property owners realize that the City is doing an inventory, and that the City will be notifying property owners to replace their sidewalk where damage has been caused by property owner's tree. This program should also make property owners aware that it is their responsibility to notify the City of significant changes in the condition of the sidewalk, either where it has been repaired, or where the condition of the sidewalk has changed. The public relations program should also make property owners aware that an encroachment permit will be required when replacing sidewalk, and that the new installation must conform to City standards.

Attached as Exhibit E is a brochure prepared by the City of San Leandro, which gives information regarding San Leandro's sidewalk repair program. Handouts similar to this could be given to new City residents, be distributed by City employees, and be informational handouts in City buildings.

Periodic messages could be placed on the utility bills as reminders to residents to notify the City of changes in the sidewalk.

ADDITIONAL CITY PERSONNEL AND EQUIPMENT

It would be in the City's best interest to have City forces do the sidewalk replacement where the City-maintained trees have caused damage. City forces could also do the minor curb and gutter replacement. Contracts would then only be issued for major curb, gutter and sidewalk replacement. At this time it is not recommended that the City forces do any sidewalk replacement for property owners.

Many cities have a curb, gutter and sidewalk crew. However, until the initial inventory is completed, a detailed recommendation on manpower and equipment cannot be made.

SIDEWALK CLAIMS

Settlement or Reserve Cost

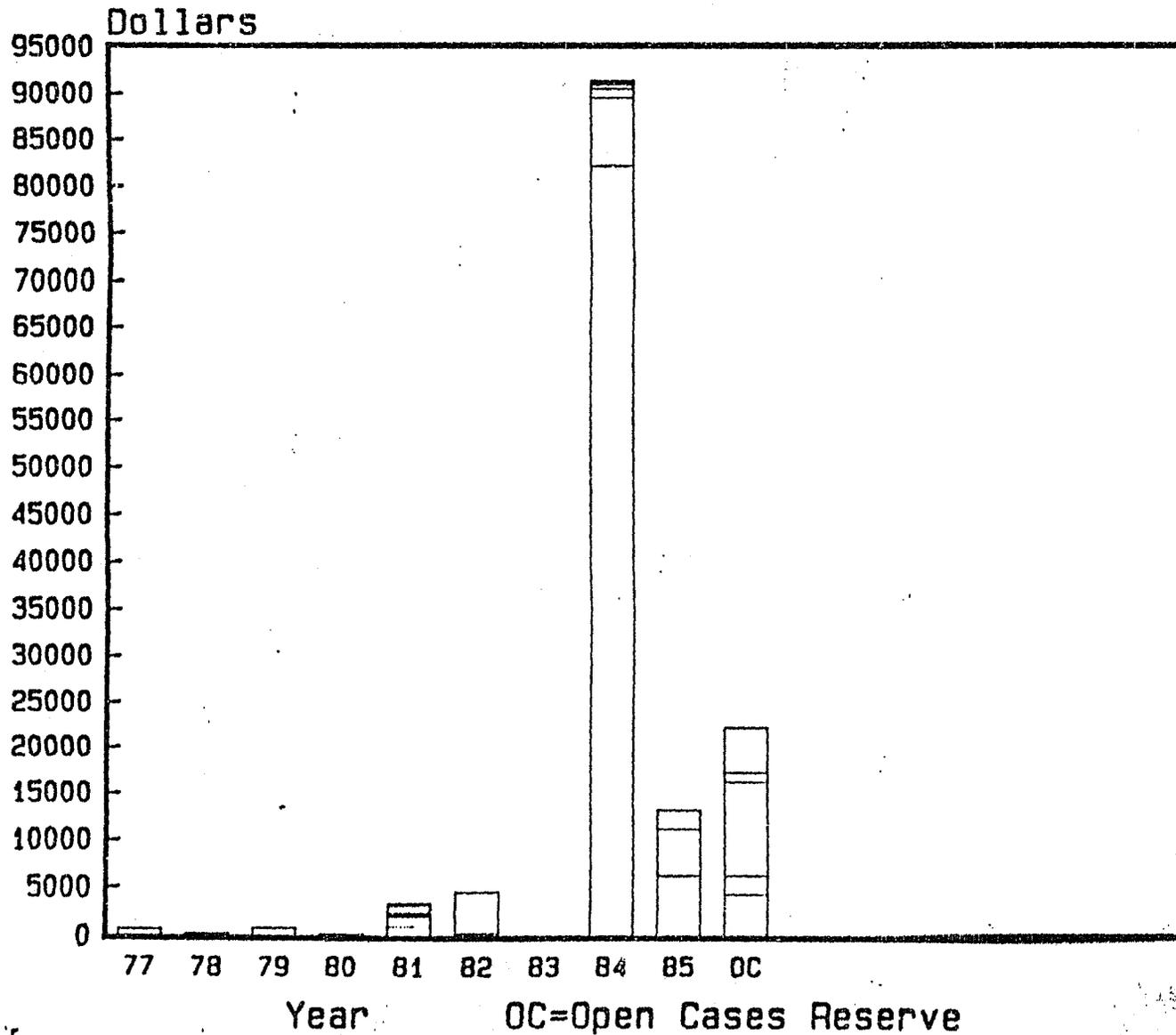


Exhibit A

ROUGH DRAFT

CURB, GUTTER & SIDEWALK MAINTENANCE POLICY

Property owner or tenant shall report to the Street Superintendent defective sidewalk in front of or along property owned or occupied by him/her.



I. SIDEWALK MAINTENANCE

- A. TEMPORARY PATCHING - The City shall patch sidewalk where there is 3/4" - 1 1/2" vertical offset or minor irregularities. This will be done at no charge to the property owner. The property owner or tenant shall notify the City of any change in the condition or the sidewalk or the patched area.
- B. SIDEWALK REPLACEMENT - Sidewalks shall be removed and replaced when vertical offset is greater than 1 1/2".
 - 1. Sidewalk replacement at City expense is done under the following conditions:
 - a. Damage caused by City-maintained trees
 - b. Damage due to grade subsistence
 - c. Damage due to City utility cuts
 - d. Sidewalk fronting City-owned property
 - e. Damage due to heat expansion
 - 2. Property owner shall replace sidewalk and driveway apron where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

II. TREE MAINTENANCE

- A. The City shall do root surgery on all City-maintained trees where it is required. City shall also remove City-maintained trees when necessary. This work will be done in conjunction with the replacement of the sidewalk.
- B. The City shall perform preventive root surgery on City-maintained trees that have started to raise the sidewalk and do any temporary patching that may be required. It is the property owner's responsibility to notify the City of any change in condition of the tree or the patched area.
- C. The City shall not do root surgery on any privately-owned trees.

III. CURB AND GUTTER MAINTENANCE

- The City shall maintain all curb and gutter.

RESOLUTION No. 85-93

RESOLUTION ESTABLISHING A CURB, GUTTER, AND SIDEWALK
REPAIR POLICY FOR THE CITY OF LODI

RESOLVED, that the City Council of the City of Lodi does hereby establish a Curb, Gutter, and Sidewalk Repair Policy for the City of Lodi as shown on Exhibit "A", attached hereto and thereby made a part hereof.

Dated: July 24, 1985

I hereby certify that Resolution No. 85-93 was adopted by the City Council of the City of Lodi in an Adjourned Regular Meeting held July 24, 1985 by the following vote:

AYES: Council Members - Olson, Snider, and
Hinchman (Mayor)

NOES: Council Members - Pinkerton and Reid

ABSENT: Council Members - None

ATTEST:

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

CURB, GUTTER & SIDEWALK REPAIR POLICY

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B. SIDEWALK REPLACEMENT - Sidewalks shall be removed and replaced when vertical offset is greater than $1\frac{1}{2}$."

1. Sidewalk and driveway apron replacement will be done by City under the following conditions:

- a. Damage caused by City-maintained trees
- b. Damage due to grade subsidence
- c. Damage due to City utility cuts
- d. Damage due to heat expansion
- e. Sidewalk fronting City-owned property

2. Property owner shall replace sidewalk and driveway apron where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

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B. The City shall not do root surgery on any privately-owned trees.