



Office of the Independent Budget Analyst

Municipal Approaches to Sidewalk Repairs and Liability

**Presentation to the
Infrastructure Committee
April 23, 2015**



Overview

- City of San Diego FY 2016-2020 Consolidated Multi-Year Capital Planning Report outlines condition assessments in progress, including TSW's citywide sidewalk assessment
- Current sidewalk maintenance measures include:
 - Three crews who perform temporary asphalt patching to alleviate trip hazards
 - Approx. \$300,000 in FY 2015 for City's cost sharing program
 - \$1.0 million expected from DC-3 lease revenue bonds for sidewalk removal and replacement citywide



Current Practice

- California Streets and Highway Code, Section 5610
 - Section 5610, Maintenance by lot owners

Section 5610 largely places the responsibility for sidewalk concrete replacement and repair on the abutting property owner. However, while property owners are responsible for repair, case law generally does not assign any related liability to property owners, unless they are directly responsible for sidewalk defects



Policy 200-12

- Sidewalk Maintenance Policy 200-12

- Outlines the cost of replacing unsafe sidewalks will be borne by the City under the following conditions:

- It has been damaged by parkway trees; or
 - It has been damaged by grade subsidence; or
 - It has been damaged by City utility cuts; or
 - It fronts on City-owned property; or
 - It exists at street intersections; or
 - It has failed because of heat expansion.

Under all other conditions, repair costs are borne on a 50/50 matching basis between the City and the property owner, except if damage was caused by abutting property owner



Other Municipal Approaches

Diversity in the extent of the obligation and how it is imposed, and limitations on liability to third parties for defective sidewalks

- San Jose

- City of San Jose's ordinance establishes that the property owner has a duty to repair unsafe sidewalks and explicitly assigns liability to property owners for any injury or damage that results from badly maintained sidewalks

- Sacramento

- Sidewalk maintenance policy is similar to San Jose except property owners can elect to have city crews perform the repair work but cost is still paid by the property owners



Other Municipal Approaches

- Long Beach

- Multi-year sidewalk program to repair deteriorated sidewalks
- Budgets \$3.0 million annually and funding is divided equally among their nine Council Districts
- Blocks with the most damage are given the highest priority for repairs



Conclusion

- Diversity among cities to the extent of obligation and how it is imposed for sidewalk repairs on adjacent property owners
 - Repeal the current Council Policy 200-12 and create a new ordinance with clear and precise language regarding the responsibility of sidewalk repairs on property owners as well as liability if a person suffers damage or injury to person or property
 - Allocate funding each fiscal year to repair the worst sidewalks and curbs in each of the nine council districts
 - Administer a sidewalk cost sharing program between the City and property owners



Questions?