

SIDEWALKS IN SAN RAFAEL

City of San Rafael Public Works Department

Overview

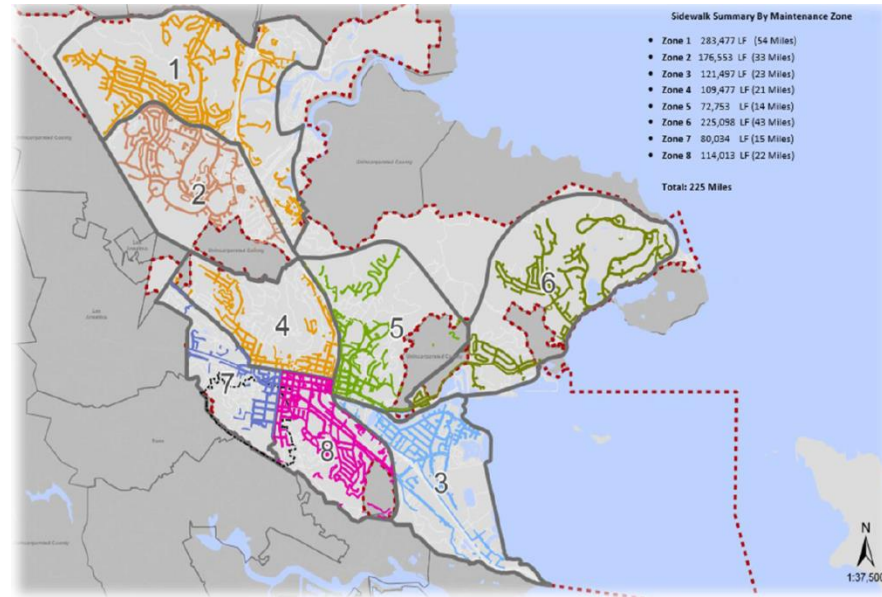
- Over 225 miles of sidewalks within the City
- Many flags of sidewalk are uneven, present tripping hazards, and do not meet ADA requirements (1/2 inch offset maximum)
- State law (California Streets and Highway Code 5610) requires adjacent owner to maintain sidewalks such that they will not endanger persons or property or interfere with public convenience

California Streets and Highway Code 5610

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

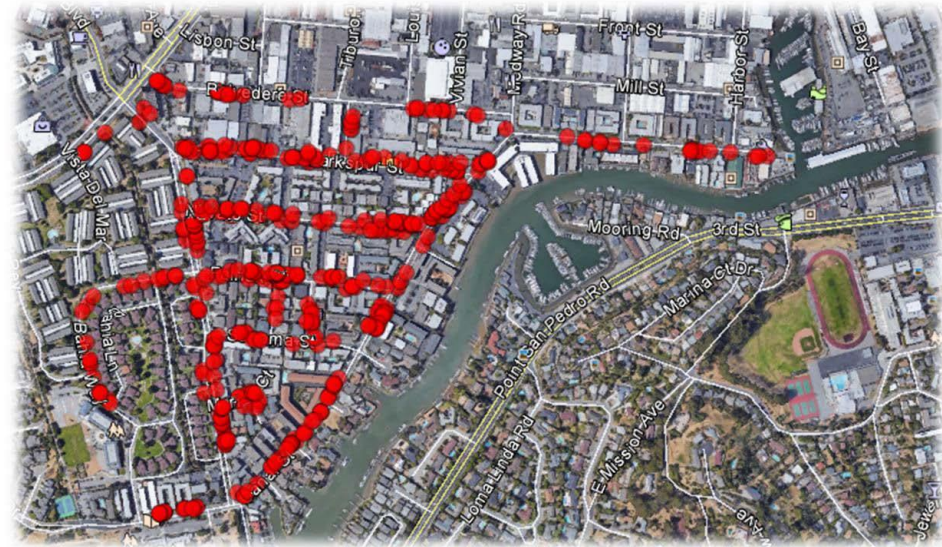
Evaluating our Sidewalks

- Assessment conducted Fall 2016 to establish condition of sidewalks within the City
- Evaluated by zone
 - ▣ 8 maintenance zones within the City



Sidewalk Assessment: Method

- Inspected five sidewalk miles in each zone for uneven flags (1/2" or greater)
 - ▣ Categorized repair required
- Identified where tree work is required



Sidewalk Assessment: Results

45 miles sidewalk inspected in assessment

7,282 panels lifted <2" \$480,000

581 panels lifted >2" \$725,060

Total est. cost of repairs \$1,205,060

225 total miles of sidewalk in the City

Total est. cost of repairs \$6,025,300*

*Estimate does not include ADA curb ramp replacements, updated concrete construction costs

Public Outreach

October 2016	<ul style="list-style-type: none">Public Works held 3 public meetings on condition of sidewalks and input for a plan moving forward
November 2016	<ul style="list-style-type: none">Online resident survey conducted to gather feedback about (1) sidewalk maintenance program and (2) how it should be funded378 responses received
February 2017	<ul style="list-style-type: none">Public Works presented results of the survey to the City CouncilStaff were directed to research and develop a cost sharing program and clarify responsibility and liability



SAN RAFAEL
THE CITY WITH A MISSION

Proposed Plan: Two Parts

1. Ordinance: Responsibility/Liability

- a) Performing and funding sidewalk maintenance and repairs rests with the adjacent property owner
- b) Adjacent property owner liable for injuries incurred by pedestrians

2. Sharing the Financial Burden

- \$150,000 per year for cost-share program for sidewalk replacement
 - 50-50 cost share with property owners up to \$1,000
- City will fully fund tree work (root trimming, removal, etc.)
- Waive cost of an encroachment permit
- City will fund \$50,000 per year in sidewalk “shaving” (small offsets)

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Part One: Ordinance

Why San Rafael Needs an Ordinance

- a) Confirms financial responsibility for maintenance lies with property owner, in accordance with the State Streets and Highways Code
- b) Clarifies liability for injury lies with the property owner

Best practice: most cities and towns in the North Bay (and Bay Area) have adopted ordinances

a) Why Property Owners Responsible for Maintenance and Repair

- Hundreds of miles of sidewalk in San Rafael
- Needed repair work on sidewalks citywide estimated at \$10 million
- City does not have sufficient resources to fund all needed repairs

b) Why Property Owners Liable for Injuries

- Many jurisdictions assign liability for injuries (resulting from failure to maintain) to property owners
 - ▣ Responsibility to maintain=>Liability from not maintaining
- Home owner's insurance provides coverage for injury claims

Survey of North Bay Cities and Towns

	Responsibility to Repair	Liability for Injuries
Novato	Stated policy: Property owners	No stated policy
County of Marin	States & Highway Code: Property owners	No stated policy
Belvedere	Ordinance: Property owners (13.24.015)	Ordinance: Property owners (13.24.017)
Tiburon	Ordinance: Property owners (24-02)	Ordinance: Property owners (24-02)
Corte Madera	Ordinance: Property owners (12.56.010)	Ordinance: Property owners (12.56.010)
Mill Valley	No stated policy	No stated policy
Sausalito	Ordinance: Property owners (17.36.020)	Ordinance: Property owners (17.36.030)
Larkspur	Ordinance: Property owners (9.55.020)	Ordinance: Property owners (9.55.030)
Ross	Ordinance: Property owners (12.20.010)	Ordinance: Property owners (12.20.040)
Petaluma	Ordinance: Property owners (13.10.010)	Ordinance: Property owners (13.10.030)
Sonoma (City)	Ordinance: Property owners (12.12.110)	Only penalty for violation (12.12.160)
Rohnert Park	Ordinance: Property owners and renters (1.24.030)	No stated policy
Santa Rosa	Ordinance: Property owners (13-32.020)	Ordinance: Property owners (13-32.020)
San Rafael	States & Highway Code: Property owners	No stated policy

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Part Two: Sharing the Financial Burden

Sharing the Financial Burden Summary

Sidewalk Repair and Replacement (R&R) in cost-share program: City Contribution \$150,000/yr	Shared*
Sidewalk Repair and Replacement (R&R) not in cost-share program	Property owners
Sidewalk shaving City Contribution: \$50,000/yr	City
Tree work associated with sidewalk R&R City Contribution: +/- \$150,000/yr	City
Encroachment Permit fee	City**

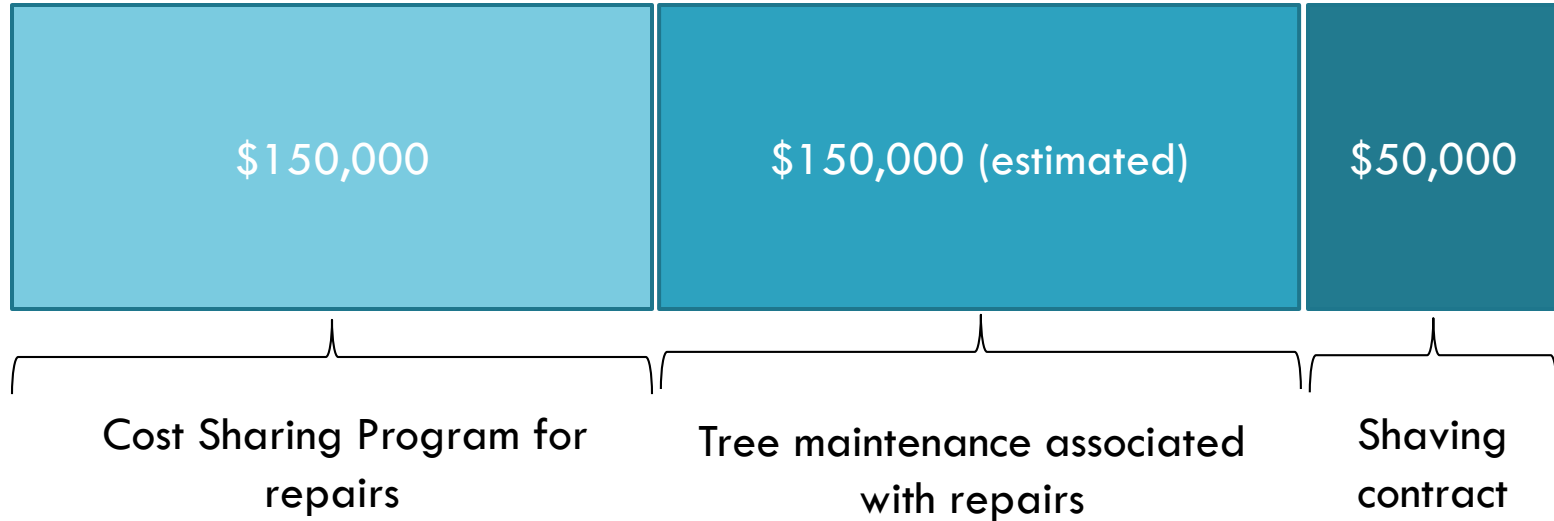
*50-50 cost share up to \$1000 for repairs

**Fee waived, City absorbs administrative costs. Property owners must still obtain permit

Estimated Costs of Repair

- Sidewalk replacement ranges from \$10 to \$20 per square foot
- Tree root trimming is \$250-\$500 (if needed)
- Tree removal/replacement is expensive (\$1,000 +)

City's Financial Commitment



\$350,000 per year (funded by Senate Bill 1)

Cost-Share Program Details

- City to identify zone(s) each year for program
 - ▣ Zones with worst sidewalk conditions prioritized first based on 2016 survey
- City will advertise program; property owners in the selected zone(s) will be invited to submit applications to participate each year
 - ▣ Awarded on “first come first served” basis
- 50-50 cost share up to \$1,000 to property owners for repairs
 - ▣ \$150,000 allocated per year

Sidewalk “Shaving”

- ❑ Sidewalk offsets <2” can be repaired with shaving method
- ❑ City to provide \$50,000 for shaving work per year
- ❑ Shaving work to be focused in zone(s) eligible for Sidewalk Cost Sharing Program
- ❑ No cost to property owner
- ❑ No City liability from shaving program





What's Next

Next Steps

- Gain feedback from Council and community on two parts of ordinance
 - 1. Responsibility to maintain and repair
 - 2. Liability for injuries
- Gain feedback on Cost Sharing Program
 - \$150,000 per year for cost-share program for sidewalk R&R
 - City funds tree work
 - Encroachment permit fee waived
 - City funds \$50,000 per year in sidewalk “shaving”
- Prepare plan based on feedback received

Discussion

