

SIDEWALK MAINTENANCE AND LIABILITY IN SAN RAFAEL

October 2, 2017

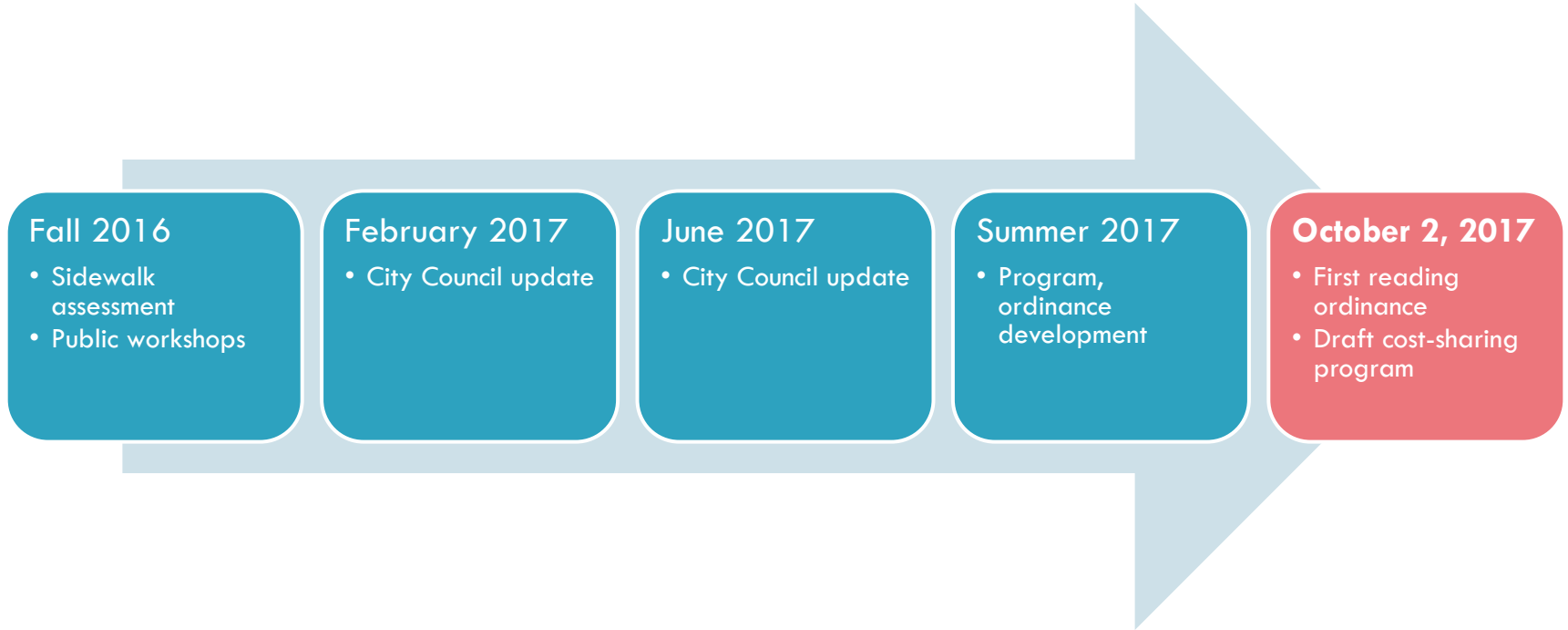
Department of Public Works

Overview

- ❑ Over 275 miles of sidewalks in San Rafael
- ❑ Many in state of disrepair due to:
 - ❑ Age
 - ❑ Poor construction quality
 - ❑ Deferred maintenance
 - ❑ Tree and vegetation root intrusion
- ❑ Estimated repair cost citywide = \$5 - \$10 million

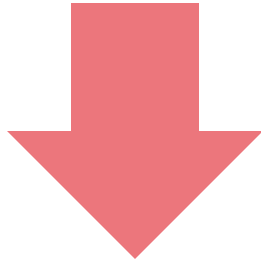


How we got here



Two Needs Addressed

1. Clarification on responsibility to maintain



Proposed Ordinance

2. Sharing the Financial Burden



Cost-sharing program

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Part One: Ordinance

Ordinance Background

- Many cities have adopted ordinances to clarify:
 1. Financial responsibility for maintenance lies with property owner, in accordance with the State Streets and Highways Code
 2. Liability for injury from failure to maintain lies with the property owner

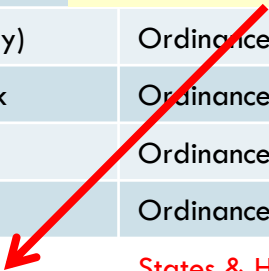
Survey of North Bay Cities and Towns

	Responsibility to Repair	Liability for Injuries
Novato	Ordinance Property owners (15-2.46)	Ordinance: Property owners (15-2.46)
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)
Napa	States & Highway Code 5610: Property owners	No stated policy
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)
St. Helena	Ordinance: Property owners (12.08.010)	Ordinance: Property owners (12.08.025)
San Rafael	States & Highway Code: Property owners	No stated policy

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San Rafael is in the minority of jurisdictions



Proposed Ordinance: San Rafael



1. Adjacent property owner is responsible to maintain and held liable for failure to maintain
2. Establishes process for repairs in case of noncompliance by property owners

Proposed Ordinance: San Rafael

1. Property owner responsible to maintain and held liable for failure to maintain
 - ▣ Property owner most aware of dangerous conditions of the sidewalk in front of their property
 - ▣ Trip and fall claims
 - Take considerable City resources and staff time to address
 - ▣ Equitably allocates some or all of the risk with City
 - Property insurance provides coverage

Proposed Ordinance: San Rafael

2. Process for repairs in case of noncompliance
 - ▣ Public Works may complete repair and request reimbursement from property owner
 - ▣ Appeal process
 - ▣ If payment is not received, special assessment placed against the property

Proposed Ordinance: San Rafael



Goal of Proposed Ordinance:

Help motivate property owners to perform needed repairs on damaged sidewalks in San Rafael.

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Part Two: Cost Sharing Program

Cost Sharing Program: Overview

- ❑ **Necessary repairs only**
- ❑ City inspection and approval required prior to repairs
- ❑ Reimbursement-based
- ❑ First come, first served basis until annual program funds expended
- ❑ May apply only once every five years
- ❑ Prevailing wage rates required
- ❑ Commercial properties: \$2,000 total limit

Cost Sharing Program: San Rafael

COST REIMBURSEMENT

Sidewalk repair and replacement	50-50 cost split up to \$1,000
Curb and gutter replacement	Full reimbursement by City up to \$4,000
Root trimming	Full reimbursement by City up to \$350
Tree removal	Full reimbursement by City up to \$2,700
Tree replacement	Full reimbursement by City up to \$300
ADA Curb	Full reimbursement by City

Cost Sharing Program: San Rafael

STAFF TIME

- Encroachment permit fees waived
- City staff assistance in inspection of
 - ▣ Limits of sidewalk area in need of repair
 - ▣ Reviewing possible removal and replacement of trees

Cost Sharing Program: San Rafael

ADDITIONAL ASSISTANCE

- ❑ Preferred pricing from multiple contractors
- ❑ City will contract for \$50,000 in sidewalk shaving (displacements <2") per year – no cost to homeowners



Cost Sharing Program

Goal of Cost Sharing Program:

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Financial Impact

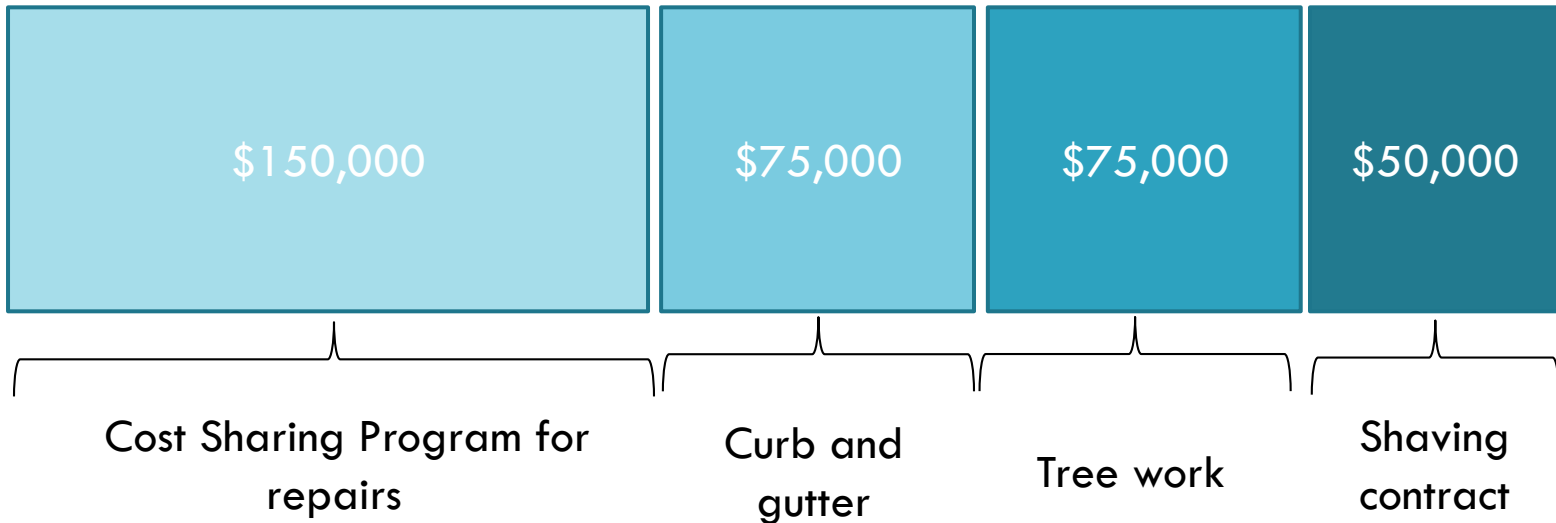
Ordinance



- Cost savings
 - ▣ Less claims filed against the City and reduction in liability exposure
 - ▣ Less staff time and City resources spent addressing claims

Cost Sharing Program

\$350,000 per year (funded by Gas Tax)



Cost Sharing Program

- Internal staffing costs associated with administering the program
 - ▣ Managing applications
 - ▣ Inspections to 150+ properties per year
- May return to Council at later date if program proves unmanageable with existing staffing

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Public Outreach

Community Outreach

October 2016	<ul style="list-style-type: none">• 3 public meetings on sidewalk conditions held
November 2016	<ul style="list-style-type: none">• Following meetings, online survey conducted on (1) sidewalk maintenance program and (2) how it should be funded• 378 responses received
February 2017	<ul style="list-style-type: none">• Public Works presented results of the survey to the City Council• Staff were directed to research and develop a cost sharing program and clarify responsibility and liability
June 2017	<ul style="list-style-type: none">• Public Works presented proposed cost sharing program and ordinance plan to City Council



What's Next

Next Steps

- ❑ If Ordinance approved
 - ❑ Second reading October 16, 2017
 - ❑ Takes effect 30 days after second reading
- ❑ Finalize cost-sharing program based on feedback received
 - ❑ December 15, 2017: Detailed program information posted to City website
 - ❑ January 15, 2018: Application period for FY 2017-18 open



Discussion

