

**DATE:** June 29<sup>th</sup>, 2022

**TO:** Chair Ramos and Transportation and Mobility Commission members

**CC:** Rebecca Kennedy, Deputy Director, Community Development; Ryan Lopossa, Public Works Streets and Transportation Division Manager

**FROM:** Ryan Miles, PE, Street Operations Program Manager, Public Works

**RE:** **Sidewalk Program Overview**

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The purpose of this memo is to provide information about the Sidewalk Management (SM) Program in advance of the Transportation and Mobility Commission meeting on July 5, 2022.

**Background**

The City of Vancouver has over 600 centerline miles of streets. Of these, there are approximately 640 miles of sidewalk on one or both sides of the street, leaving nearly 500 miles of streets without sidewalk on at least one side.

The Sidewalk Management Program was formally established in 2017, but initial startup efforts began in 2016 with a GIS inventory of the sidewalks within the City limits. This was a basic inventory to determine where sidewalks existed and was followed by with a more detailed inventory and assessment of both the sidewalks and curb ramps in late 2016 and 2017. The information collected about sidewalks included both attributes (width and material) as well as deficiencies present including horizontal and vertical faults, broken panels, spalling, heaves/dips, and obstructions. Curb ramp information collected including slopes, widths, and other information related to helping determine if a ramp was ADA compliant.

The following was found after completion of the initial inventory and assessment:

- Over 10,000 street corners had some form of a curb ramp (regardless of if it was compliant or not)
- Over 5,000 street corners had no curb ramp
- There were approximately 180,000 deficiency points collected during the assessment that included anything that was not ADA compliant

From the initial assessment, the costs to repair, replace, or construct the following were estimated at:

- Curb ramp improvements: approximately \$80M - \$85 million
- Repair deficiencies on existing sidewalks throughout City: approximately \$50 – \$65 million
- Fill in missing sidewalk gaps throughout the City: approximately: \$150 – \$220 million

The City addresses deficiencies and gaps within the network for both sidewalks and ADA curb ramps primarily through the following:

- Projects within the 6-year Transportation Improvement Program (TIP) – including safety and mobility projects and large capital projects.
- The City’s Pavement Management program- resurfacing projects include ADA-compliant ramps, either through upgrades to existing or reconstruction of new ramps.
- Private developments – the code requires provide development to contribute to or build transportation infrastructure like frontage improvements.

Sidewalk repairs are also completed by property owners since Vancouver Municipal Code (VMC) 11.030 requires property owners to maintain and repair existing sidewalks abutting their property. This is consistent with the approach to sidewalk management utilized by most municipalities in the United States, including Clark County and the City of Portland.

The City of Vancouver is directly responsible for maintenance and repair of the following:

- City owned or maintained properties
- Sidewalks adjacent to trees planted after the Columbus Day storm of 1962 (all in the downtown area)
- Curb ramps in the public right of way

In addition to these, the City repairs and maintains sidewalk assets as resources allow that advance the public interest and support safety and mobility in priority areas like school, transit, and park access routes.

While there are means and methods to repair, construct, and replace sidewalk elements throughout the City, the need is much greater than the resources to support these improvements. As a result, it is important that the City utilizes all opportunities to improve the sidewalk network to improve access and mobility for pedestrians and people with mobility challenges.

#### **Overview of the City’s Sidewalk Management (SM) Program**

The Sidewalk Management Program consists of two dedicated staff- a construction inspector and an administrative assistant- that is supported by other city staff including public outreach, transportation planners, street operations and maintenance, construction engineers, and construction inspectors. The sidewalk program has about \$500,000 directly budgeted annually, which covers staff costs as well as some funds to repair and maintain ramps and sidewalks that are the City’s responsibility.

The primary tasks performed by SM Program Include:

- Responding to inquiries related to sidewalks
- Enforcing City code related to sidewalk deficiencies and obstructions
- Inspection of sidewalk repair permits, projects, and sidewalk cafes

- Coordinating with both capital and development projects for needed sidewalk improvements
- Administering the City's sidewalk café and Street Eats program
- Maintaining sidewalk and curb ramp inventory information

### *Responding to Sidewalk Related Inquiries*

The primary sidewalk issues we hear from community members about are related to the condition of sidewalks or obstructions of sidewalks. As we receive these, the sidewalk management team does a site visit to inspect the issue and identify the responsible party. Requests have continued to trend up- 114 requests were logged in 2019 compared with 198 in 2021. In the first half of this year, the sidewalk team has responded to over 120 requests.

### *Sidewalk Enforcement*

Once a deficiency on a sidewalk is identified, a code case is initiated for the adjacent property. An initial notification letter is sent outlining the deficiencies found on the property and giving 90 days to correct the issue. With the letter, we encourage property owners to contact and meet with sidewalk management staff to discuss the situation at their location and the best method for correcting deficiencies. If the issues are not corrected after the initial 90-day period, a second notification letter is sent with the same information and allowing for another 60-days to correct the issue. If at the end of this second correct period work is not completed, the City can either fine the property owner or complete the work with City resources.

A similar process is followed for obstructions in the sidewalk, such as vegetation or basketball hoops, except that there is a different timeline for the notifications. Prior to a code case being initiated, the sidewalk team will place a door hanger outlining the issue to be resolved as a first attempt to correct the problem. If the issue is not corrected, a formal code violation notice will go out with an initial 14-day period to correct the issue followed by a second 7-day notification. If work is not completed, similar options are available to correct the issue.

In all cases, the sidewalk management team makes a concerted effort to work with property owners to answer questions, meet on site, find options, be flexible, and get the issues resolved.

### *Sidewalk Inspection*

On top of initial site inspections, there are several other types of inspections done by the sidewalk team, primarily the sidewalk inspector. For each code case or door hanger left at a property, an inspection is done prior to each notification to determine the status of the issue; in most cases an initial meeting in the field with property owners also occurs. When repair work is done, inspections are needed to make sure the work is to City standards and defects corrected. In the past year, there were over 1,000 different inspections undertaken by the sidewalk team. In addition to general site inspections and code cases, the sidewalk inspector assists with inspection of City capital projects as needed.

### *Sidewalk Cafes and Street Eats*

Another program that is administered and coordinated by the Sidewalk Management program are sidewalk cafes and the Street Eats locations found primarily in the downtown, uptown, and waterfront areas. The program creates the standards for each type outdoor seating and issues and reviews permits, and works with business owners to set up their areas so that they still allow accessibility

along the sidewalk as well as meet Washington State Liquor and Cannabis Board (LCB) requirements if the businesses serve alcohol.

Permits are required annually and businesses are required to maintain their seating setups. The City has not been charging any fees for permits or use of parking since the beginning of the Covid-19 pandemic. However, beginning October 1<sup>st</sup>, the City will begin charging permit fees for new and renewal permits along with parking for use of on-street parking spaces.

#### *Other Sidewalk Management Activities*

There are several other tasks and activities done on an on-going basis by the sidewalk management team that include:

- Maintaining and updating sidewalk and curb ramp information in the City's GIS system
- Review of capital and Transportation development review projects for sidewalk related issues
- Complete post-construction walkthroughs on projects to ensure that new and repaired sidewalk and ramp improvements meet ADA requirements
- Update sidewalk condition database

#### **Challenges to the Sidewalk Program**

As the sidewalk program has developed and evolved, management has identified several challenges to effective implementation, including:

Enforcement: While there is a formalized enforcement process associated with code compliance cases, the City has not assessed fines for non-compliance or done the initiated a cost assessment process to bill owners for completing the work if the property owner does not do it. Fines are an option but not very effective due to the minor transportation fine amount of \$100 plus the ability to collect fines and cover costs if the City does the work. The assessment process requires formal action/approval by the City Council to agree to the public need for the work and authorization to assess the costs associated with the City doing the work and billing the property owner, which is onerous and rarely happens.

Property Owner Abilities: While most property owners are willing to correct sidewalk deficiencies in front of their properties, many residential owners do not have the financial ability to either pay at all or pay the full cost of the repairs up front. In addition, some owners have a hard time finding contractors to do/bid the work or do the work for reasonable prices.

Responsibility: While most property owners accept that it is their responsibility to maintain and make repairs to the sidewalk directly in front of their homes, it is not uncommon for property owners to be unaware of this. This mostly occurs on properties that have multiple adjacent streets and along arterials that they do not have direct access to and are separated from their yards by walls and fences. Another responsibility issue is related to street trees in planter strips between the curb and sidewalk that are in the public right of way. In many cases, these trees were not planted by the property owners, so they question why they are responsible for damage to the sidewalk caused by them.

Missed Opportunities: Due to the large backlog of repair needs for existing sidewalks and construction of new sidewalks and ADA compliant curb ramps, the City needs to maximize opportunities to get repairs done as part of non-City projects. Further refinement of review processes

and code changes are needed to require repairs and other necessary upgrades when larger projects are constructed on a property.

### **Next Steps and Future Changes**

#### Vancouver Municipal Code (VMC) Updates

Several VMC updates are needed to increase the effectiveness of the City's Sidewalk Program and implement a Home Owner Grant program and Property Owner Financial Assistance program. The first set of proposed updates are tentatively scheduled to be completed by the end of 2022 and when located in VMC Title 11 will be reviewed by the Transportation and Mobility Commission in alignment with its bylaws. Key proposed changes include:

- Delegate repair necessity to the Public Work Director – this will remove the step of getting Council approval before we can assess/charge for costs incurred by the City for repairs made to private properties.
- Allow property owners to contract directly with the City for repairs and maintenance
- Assess costs for non-complying owners – improve the process and steps associated with this process and allow for financial repayment plans
- Enforce pedestrian access in construction zones
- Transportation related fines – move from \$100/infracton to \$250/infracton, which would be consistent with other fines within the Public Works Department (VMC 22.02.070).

#### Home Owner Grant Program

This program is intended to help income-qualified property owners make repairs to the sidewalks adjacent to their properties. The final details are still under development, but the basic parameters of the program include:

- Initially allocate \$50,000 for program funding.
- Eligible owners could receive up to \$2,500 in repair work.
- The funds would be a full grant covering 100% of costs up to the maximum value.
- All work is coordinated by the City and completed by City staff or contracted out to City-managed contractors.
- Applicants must meet income eligibility requirements (80% of area median income). Intent would be to team with CPU for screening as they do for the City's H2O program.
- Only available to single family and duplex residential properties and owner must reside at the address.
- Property must have an active code case against it to be eligible; the intent is to target funds toward geographic priority areas before making them available on a first come first serve basis.

#### Financial Assistance Program

This program is intended to help property owners complete repairs on sidewalks adjacent to their homes who do not meet grant eligibility requirements. This will also give property owners another option to get work completed if they aren't able to find a contractor to do the work or in cases where a property owner is non-responsive. The other advantage is that this will likely bring overall costs down for the property owners since the intent from the City would be to group work together into one contract, which will lower costs by economies of scale and spreading costs across multiple properties.

The City of Portland has a similar program in place. The final details are still under development, but the basic parameters of the program will include:

- Property owners enter into an agreement with the City to do the work and pay back the City over time.
- Only available to residential properties, including duplexes and triplexes but not larger apartments and condos.
- Work coordinated and done by the City with loan terms of either 5 or 10 years for up to \$2,500 or loan terms of 5, 10, or 20 years for work over \$2,500 (these are amounts that the City of Portland uses currently).
- Property must have an active code case against it to be eligible.
- Will be set up similarly to the City's Sewer Connection Incentive Program (SCIP) loan program but interest rates and fees on the loans vary by the length of the agreement.
- Property owners can pay quarterly, semi-annually, or once a year with no penalties for paying off early.
- Agreements will include language that allows a lien to be placed on the property in loan is unpaid.
- Property owners able to enter into the agreement at any point in the code case process until an actual lien is placed on the property for repairs done by the City.

#### Other Options

There are some other options that the City could consider implementing to get more repairs completed on defective sidewalks within the City, including:

- Consider changes to sidewalk responsibility along arterial streets where homeowners do not have direct access to the street from their home. In these cases, the City would take on the repair responsibility. Before this can be fully considered, an analysis of how many miles of sidewalks would be added to City responsibility and potential costs would need to be completed.
- Change VMC Title 20 Development code to require sidewalk repairs along a property when tenant improvements exceed a certain dollar amount, like \$75,000 or \$100,000.

#### **Conclusion**

The Sidewalk Management Program is still relatively new and under development but has demonstrated the importance of having a focused work group dedicated to monitoring and completing sidewalk related issues. The program makes a concerted effort to both get work completed as well as work with property owners and businesses to meet their needs along with the City's interests. However, several challenges to be addressed to make the program more effective and go from a solely reactive program to a more proactive one. Regardless, the Sidewalk Management Program strives to make the City of Vancouver a more walkable, safe, and accessible city.