

Memorandum



CITY OF DALLAS

DATE October 9, 2009

TO Members of the Transportation and Environment Committee:
Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Angela Hunt, Delia Jasso, Pauline Medrano, Ron Natinsky

SUBJECT Sidewalk Improvement Programs Briefing
October 12, 2009

Attached is the Sidewalk Improvement Programs briefing that will be presented to you on Monday, October 12, 2009.

Please let me know if you have any questions.

A handwritten signature in black ink that reads "Jill A. Jordan for".

Jill A. Jordan, P.E.
Assistant City Manager

Attachment

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
David Cook, Chief Financial Officer
Jeanne Chipperfield, Director, Financial Services
Edward Scott, Director, Controller's Office
Helena Stevens-Thompson, Assistant to the City Manager – Council Office
Rick Galceran, P.E., Director, Public Works and Transportation

Sidewalk Improvement Programs

Transportation and Environment Committee

October 12, 2009





Purpose of Briefing

- Discuss the need for potential changes to the City's policies regarding sidewalk construction, replacement, and assessments
- Provide an overview of sidewalk needs, City codes, and challenges
- Review current Sidewalk Programs
- Review the history, funding and challenges with the City Sidewalk Programs



Fundamental Questions to Consider

- Why does the City...
 - ...assess abutting property owners for the construction of sidewalks?
 - ...assess abutting property owners for Sidewalk Safety projects they did not request and may not want?

- Should the City...
 - ...continue to assess for any first time sidewalk?
 - ...discontinue the Sidewalk Safety program and require all first time sidewalks to go through the Sidewalk Petition program?
 - ...develop new criteria for necessary sidewalk projects and be prepared to fund and install them as required if the Sidewalk Safety Program is discontinued?
 - ...provide more assistance for residential sidewalk replacement for old and deteriorated sidewalks?



Overview – What are the City's Sidewalk Assets and Needs?

■ Existing Sidewalks

- 4,500 linear miles along improved and unimproved roads
- 1830 miles (41% of the total) are in unsatisfactory condition
- Assuming average sidewalk life of 30 years...another 81 miles become unsatisfactory each year

■ Never Built Sidewalks

- 2,800 linear miles along improved and unimproved roads

■ Funding Needs

- Construct all never built sidewalk - \$665 M
- Reconstruct all deteriorated sidewalks - \$435 M



Overview – What City Codes Require Sidewalks?

- Requires sidewalk construction along all newly constructed public and private streets (see Appendix B)
 - Dallas City Code, Section 51A-8.606(a)
- Sidewalk construction is required adjacent to all new private development (see Appendix B)
 - Dallas City Code 51A-8.606(c)
- Repair and maintenance of defective sidewalks are the responsibility of the abutting property owners and are enforced by Code Compliance (see Appendix B)
 - Dallas City Code, Chapter 43, Section 43-63



Overview – Why Does the City Assess?

- Equitable to all property owners
 - Subdivisions built with sidewalk versus subdivisions built without sidewalks
- City Charter, Chapter XX. Public Improvements and Assessments
 - Section 1 – adopts powers conferred by the State...for street and sidewalk improvements and assessments
 - Section 2 – City Council shall have power by resolution...whether or not assessments are to be made for such improvements

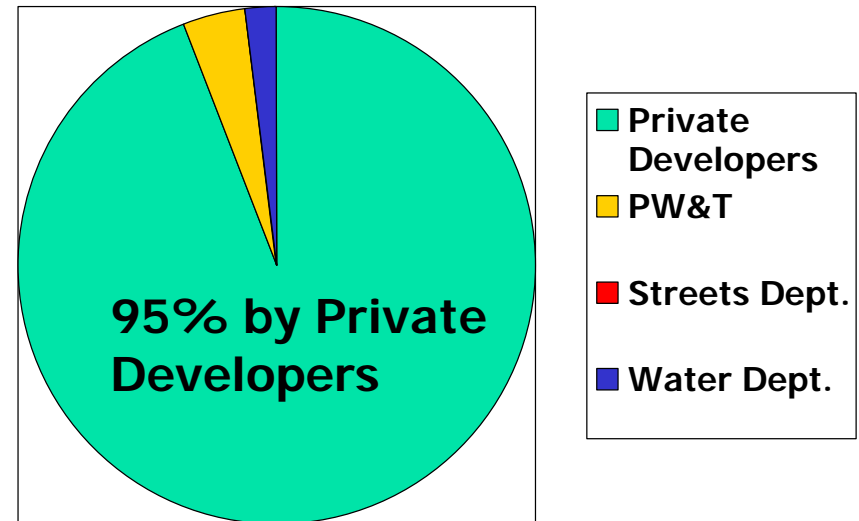


Overview – Should the City Continue to Assess?

- 2003 Bond Program (Petition and Safety)
 - 44 sidewalk locations - \$3.1 M in construction cost
 - \$165,000 in assessments levied
 - Assessments levied are 5.4% of total
- 2006 Bond Program (Petition and Safety)
 - 23 sidewalk locations to date - \$2.6 M (est.) in construction cost
 - \$56,600 in assessments levied to date on 4 projects
 - Assessments levied to date are 9.97% of total
- Equitable to all property owners
 - Subdivisions built with sidewalk versus subdivisions built without sidewalks

Overview – Who builds and repairs sidewalks in the City?

- Private Developers and Property Owners
 - Build a significant portion of the first time and replacement sidewalks in the City
- Public Works and Transportation
 - City contracts to build sidewalk
- Street Services
 - Makes temporary asphalt repairs of sidewalks when there are safety issues
 - Builds a small amount of first time sidewalks with City Forces funded by the Neighborhood Investment Program
- Dallas Water Utilities
 - Replaces sidewalks only when impacted by water and sewer construction





Sidewalk Improvement Programs

I. First Time or Never Built Sidewalks

- Sidewalk Petitions
- Sidewalk Safety
- Safe Routes to School Program (SRTSP)
 - Interagency Program with TxDOT – target school areas
 - \$3,219,087 grant funds in 08/09
- Sidewalk Improvements in Community Development Block Grant (CDBG) eligible areas

II. Replacement Sidewalks

- 50-50 Cost Share
- “Fast Fix” - 100% Citizen Funded
- Sidewalk replacements in CDBG eligible areas – must be more than one block and include ramp improvements at the intersections

Sidewalk Improvement Programs

I. First Time Sidewalks Summary

	Who Makes the Request?	How Much Does the Owner or Business Pay?
Sidewalk Petition	Owner	Lesser of Current Assessment Rate or Increased Value of Property
Sidewalk Safety	Owner, PTA, Concerned Parent, Others	
Safe Routes to School Program	School	None
CBDG Eligible Areas	Owner or City Staff	None



Sidewalk Petition Program

(I. First Time Sidewalks Continued)

- Requires a petition from 2/3rds of the property owners with at least 50% of the property frontage or 50% of the property owners with 2/3rds of the frontage
- Approved petitions are placed on the Needs Inventory and considered for inclusion in future bond programs
 - 1st come – 1st served basis as funding allows
- Adjacent property owners are assessed a share of the cost of the improvements
 - CDBG funds are available to pay qualifying residents' assessments



Sidewalk Safety Program

(I. First Time Sidewalks Continued)

- Projects are requested by local schools, PTAs or citizens
- Improved streets with no existing sidewalks along direct routes to schools are eligible - Along unimproved streets only if feasible
- Projects are submitted to the Citizens Safety Advisory Committee for approval
- Abutting property owners are notified; however, consent is not required
- Approved projects are placed on the Needs Inventory and considered for inclusion in future bond programs
- Adjacent property owners are assessed a share of the cost of the improvements
 - CDBG funds are available to pay qualifying residents' assessments



Safe Routes to School and Community Development Block Grant Programs

(I. First Time Sidewalks Continued)

- Safe Routes to School Program is an Interagency, TxDOT grant program to target school areas
 - Total grant funds for FY 07-08 - \$3,219,087
 - Program includes design and construction for installation of sidewalk, barrier free ramps, traffic signs and cross walk marker improvements for 15 schools (Appendix F)
- CDBG Funds
 - Limited funding
 - Project areas must meet HUD requirements for eligibility
- No assessments are levied on the adjacent property owners for CDBG or SRTSP funded projects

Sidewalk Improvement Programs

II. Replacement Sidewalks Summary

	Who Makes the Request?	How Much Does the Owner or Business Pay?
50/50 Cost Share	Owner	50% of Cost
Fast Fix	Owner	100% of Cost
CBDG Eligible Areas	Owner or City Staff	None

Sidewalk Replacement Program – 50/50 Cost Share

(II. Replacement Sidewalks Continued)

- Projects are requested by the adjacent property owner to repair existing concrete sidewalks
- 1st come – 1st served basis as funding allows
- Property owner inquiries are logged by date received
- Property owners are contacted when funding is available
- Program takes
 - 1-3 years between citizen inquiries and entry in to program/participate in a contract
 - 6 to 14 months from entry in program to construction completion
- Adjacent property owners are responsible for 50% of the cost of the concrete sidewalk removal and replacement in front of their properties
 - City pays 100% of the cost of all miscellaneous items except drive approaches
 - Residents pay 100% of the cost of drive approaches

Sidewalk Replacement Program - "Fast Fix" 100% Citizen Cost

(II. Replacement Sidewalks Continued)

- Option available to citizens willing to pay 100% of the cost to expedite the process.
- Interested citizens will be referred to a contractor with a price agreement contract with the City to replace residential sidewalks for the contract unit price
- The City's contractor and price agreement can offer:
 - Low unit cost of \$4.60/s.f. for basic sidewalk removal & replacement
 - Insured and Bonded Contractor
 - No required permits from property owners
 - City inspection and one year warranty of work
 - 2 month time frame from request to completion



“Fast Fix” Statistics

(II. Replacement Sidewalks Continued)

- Since inception in 2008
 - 413 inquiries by property owners
 - 413 locations assessed and limits measured by staff
 - 413 cost estimates mailed by staff
 - 94 residents responding favorably
 - 94 work orders issued



How Do Other Cities Handle Sidewalk Replacement?

- Frisco, TX – City takes full responsibility
- Carrollton, TX – City provides cost share programs
- University Park, TX – Makes sidewalk repairs a condition of all requested building permits when cost of improvements is over \$10,000
- Plano, TX – City takes full responsibility; \$300,000 for FY 2009-2010; miscellaneous repairs by Street Department
- Austin, TX – City takes full responsibility; \$10 M in bonds approved in 2006 to be spent over 5 year period; matching fund program with HOAs; miscellaneous repairs by Street Department
- Portland, OR – City puts full responsibility on the abutting property owner; City does not offer a cost share program.



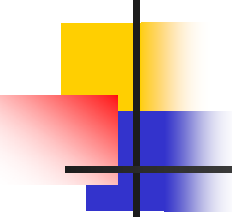
Policy Issues

Discussion



APPENDIX

- Appendix A – How Does the Sidewalk Replacement (50/50) Program Work
- Appendix B: Codes Pertaining to Sidewalks
- Appendix C: “Fast Fix” Sidewalk Replacement Program Steps (100% Resident Cost)
- Appendix D: Sidewalk Funding History
- Appendix E: Current Funding Levels
- Appendix F: List of Schools included in SRTSP
- Appendix G: Challenges in Sidewalk Construction



Appendix A: How does the Sidewalk Replacement (50/50) Program work?

- Individual Property Owners or neighborhoods/HOAs express interest in participating in the Program
- Staff adds the new Property Owner's names to the list in order of date received
- Staff sends an authorization letter to the next group of individual property owners on the list to confirm their continued interest in participating (typically half of the listed people elect to continue)
- Staff assesses the condition, determine the recommended limits of replacement and estimates the total cost and homeowners share of the cost
- City sends letter stating homeowners share of the cost and a 30-day deadline for reply
- Homeowners that elect to continue, send payment for their share or select a payment plan (normally 12 months)
- City staff prepares the contract documents, advertises, awards and manages the construction contract.

Appendix A: How does the Sidewalk Replacement (50/50) Program work? (Cont.)

- The Program is a 50/50 cost Share Program for sidewalk in the front and 25/75 for sidewalk on the side or rear of a property
- The Property Owners share is 50% of the cost of concrete removal and replacement (25% if side or rear).
- Property Owners do not share in the cost of the Barrier Free Ramps, curb replacement and miscellaneous items included in the contracts
- The Property Owners pay 100% of the cost of concrete drive approaches if they elect to replace them with this Program.



Appendix B: Codes Pertaining to Sidewalks

- **SEC. 51A-8.606. SIDEWALKS.**

- (a) Required. Sidewalk construction is required along all public and private streets unless waived by the director of development services.
- (b) Design. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Paving Design Manual, the Standard Construction Details, and, in the central business district, the Dallas Central Business District Pedestrian Facilities Plan, as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk. All sidewalks must be constructed of Portland cement concrete having a minimum compressive strength of 3000 pounds per square inch.
- (c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.
- (d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director of development services. The director of development services shall take into account any specific pedestrian traffic need such as a project recommended by the school children safety committee, transit stops, parks and playgrounds, and other population intensive areas when considering the request for sidewalk waivers. Should the director of development services waive the required sidewalks, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. A waiver of the sidewalk requirement may be appropriate in the following instances:
 - (1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.
 - (2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.
 - (3) A permanent line and grade cannot be set within the public street right-of-way.
 - (4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property. (Ord. Nos. 20092; 23384; 25047)
- **SEC. 43-63:** When a sidewalk, driveway or any appurtenance to a sidewalk or driveway become defective, unsafe or hazardous, the abutting property owner shall reconstruct or repair the sidewalk, driveway or appurtenance and the expense of such work must be borne by the abutting property owner.



Appendix C: “Fast Fix” Sidewalk Program Steps

Details of the Fast Fix Sidewalk Replacement Program

- PW&T takes the Citizen requests to participate in the Program
- PW&T communicates with the resident, inspects the sidewalk and measures up the agreed to replacement area and then provides a preliminary quote for the resident’s cost to repair the sidewalk
- PW&T will issue the street cut permit and work order to NPL and copy DWU
- NPL will communicate with the property owner and provide the official quote for the work.
 - NPL will remove and reconstruct sidewalk for the residents for \$4.60 per square foot.
 - If there is needed curb or BFR reconstruction/replacement or water meter box or wastewater lateral clean out cover replacement needs included with the sidewalk replacement work order, the Citizen will be charged the contract unit costs for these items.
 - If there are special items necessary, such as, tree removal or resetting a mail box a price will be negotiated between NPL and the homeowner
- NPL will send the quote and proposed schedule to complete the work, contingent on receiving payment, to the resident
- NPL will complete the work after the full payment is made
- NPL returns work order completion form to PW&T and copy DWU after work is complete

Appendix D: Sidewalk Funding History

Program	98 BP	03 BP	06 BP	CDBG Re-programmed	General Funds	TxDOT grant funds
Sidewalk Petitions	\$205,000	\$215,540	\$224,789			
Sidewalk Safety	\$2,219,000	\$5,346,271	\$7,009,919			
Sidewalk Replacement	\$900,000	\$52,400	\$640,262	\$139,000 in 05-06 (at no cost to property owners)	\$241,500 07/08 Curb Appeal - General Fund + \$153,000 07/08 Gen Fund	
Sidewalk Replacement in CDBG eligible areas at no cost to Property Owners				\$119,000 proposed 08-09 (at no cost to property owners)	\$350,000 in 06-07	
Safe Route to School						\$3,219,087 TXDOT funds in 07/08 FY

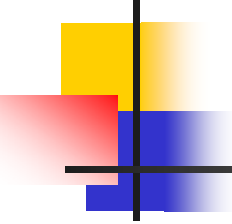
Appendix E: Current Funding Levels

Sidewalk Program	Current Funding City-Wide	Needs Inventory
Sidewalk Petitions	\$224,789 (06 BP)	0
Sidewalk Safety	\$7,009,919 (06 BP)	38
Safe Routes to School	\$3,219,087	NA
Sidewalk Improvements in CDBG eligible areas at no cost to Property Owners	\$119,000 proposed in 08-09	3 in CD 1
Sidewalk Replacement	\$640,262 (06BP) \$241,500 07/08 Curb Appeal \$153,000 07/08 Gen Fund	Approx 430 w/ current funding in contract Current funding will fund all entries up to approx. July 07, 180 new entries and 360 new inquiries per yr



Appendix F: List of Schools included in the Safe Routes to School Program

1. Anson Jones Elementary
2. Burnet Elementary
3. John Ireland Elementary
4. Albert Sidney Johnston Elementary
5. Jack Lowe, Sr. Elementary
6. Jill Stone Elementary
7. Reinhardt Elementary
8. Oran B. Roberts Elementary
9. J.P. Starks Elementary
10. George W. Truett Elementary
11. Martin Weiss Elementary
12. D.A. Hulcy Middle School
13. White Rock Elementary
14. Sarah Zumwalt Middle
15. Tasby Middle



Appendix G: Challenges in Sidewalk Construction

- Lack of right-of-way
- Obstructions in the parkway
 - Trees, shrubs, and fences
 - Utilities such as power poles, water meters, utility vaults and fire hydrants
- Topography
 - Drainage ditches
 - Sloping parkway

Appendix G: Challenges in Sidewalk Construction (cont.)



Lack of right-of-way and obstructing screening wall
Location: McCallum Blvd.

Appendix G: Challenges in Sidewalk Construction (cont.)

Obstructing large tree trunk and roots



Location: Mimosa and Edgemere

Location: Henderson near US 75



Business parking not compatible with sidewalk

Appendix G: Challenges in Sidewalk Construction (cont.)



Inclined parkway and neglected vegetation
Location: Lakeview Dr.

Ditch and drainage inlet and gully

Location: McCallum Blvd.



Fire hydrant, inclined parkway & fence

Location: Ewing Ave.

Appendix G: Challenges in Sidewalk Construction (cont.)

Challenges to constructing sidewalk along unimproved streets

Unimproved asphalt street with side drainage ditches



The best option on most unimproved streets is the Street Petition Program

Appendix G: Challenges in Sidewalk Construction (cont.)

Challenges to maintaining sidewalks when constructed around water meters



Sunken sidewalk around water meters is typically a result of poor soil compaction prior to sidewalk construction by the agent of the original home builder.