

Memorandum  
City of Lawrence  
City Manager's Office

**TO:** David Corliss, City Manager  
**FROM:** Brandon McGuire, Assistant to the City Manager  
**Date:** June 9, 2014  
**RE:** Sidewalk Maintenance in Comparable Cities

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**Background**

City policy and Kansas law provide that sidewalk maintenance is the responsibility of the adjacent property owner, subject to limited City policy exceptions related to, for example, ADA accessibility, rights-of-way and recreational paths (K.S.A. 12-1801 *et seq.*; Lawrence Code Chapter XVI, Article 2). In Kansas, municipalities may use condemnation and special assessment proceedings to force property owners to comply with sidewalk repair requirements. Cities may find it necessary to make the repairs and temporarily finance the costs out of the general fund or general improvement fund and recover its costs from property owners through fines or assessments. Challenges to effective sidewalk management include the unwillingness or inability of property owners to comply with sidewalk maintenance responsibilities and the administrative cost of condemnation proceedings.

The City Commission prioritizes sidewalk programming and pedestrian transportation. In 2007, the Commission received a report detailing municipal strategies to assist property owners with the cost of maintenance while minimizing City expenses. The goal was to optimize voluntary compliance rates while minimizing the City's financial burden. Staff was unable to identify strategies that met the criteria but offered alternative strategies utilized by municipalities across the country. The following memorandum provides information about current sidewalk maintenance policies and practices in comparable communities.

**Current Situation**

Public Works recently update its 2006 sidewalk inventory data by evaluating all sidewalk locations in the city. In total, 203,658 linear feet of defective sidewalks were identified which, when assuming a 5 foot width, totals 1,018,290 square feet (SF). Staff found that an additional 1,254,000 SF of sidewalk is needed to ensure that sidewalks are present on at least one side of all residential streets. Alternatively, 7,020,926 SF of concrete is needed to provide sidewalks on both sides of all city streets (residential, collector and arterial). Concrete costs \$6.00 per square foot on average, not including ancillary costs (e.g. tree removal and utility relocation). Regarding ADA ramps, of the 7,454 ramps located along sidewalks, 3,760 are noncompliant and 256 do not exist. ADA ramps cost approximately \$800 to place, not counting ancillary costs.

City of Lawrence municipal code places responsibility for sidewalk repair on property owners. In practice, the City enforces this requirement by notifying a property owner of the need to repair their sidewalk. City action (the notification process) is complaint driven as opposed to inspection driven, and results in a nearly 60 percent voluntary compliance rate. City staff does not perform sidewalk repairs and does not pursue forced compliance by property owners.

Over the past several years the City has made progress in connecting sidewalks and adding other multimodal improvements such as bike lanes, multi-use paths, and pedestrian beacons. Staff regularly reviews complete street elements and incorporates them into transportation projects.

### **Comparable Cities' Strategies**

For purposes of comparison, practices and policies in the cities of Olathe, Overland Park, Topeka and Lenexa were evaluated. A number of variables related to sidewalk maintenance along arterial streets do not apply to residential streets, so this evaluation focused specifically on residential sidewalks. In most cities, sidewalk repair is the responsibility of the property owner. Cities generally do not strictly enforce compliance though, and in some cases cities perform some level of repairs on behalf of the owners. In no case does the comparable city administer a comprehensive sidewalk management program. Even the City of Lenexa, which is responsible for sidewalk maintenance, approaches the task on a case-by-case and request driven basis.

#### **Lenexa, KS**

With the exception of Lenexa, the codified responsibility for sidewalk replacement lies with the property owner. Lenexa is an exceptional example in municipal sidewalk management. Sidewalks are owned by the City, and its street maintenance crews inspect and repair all sidewalks. Sidewalk inspections are performed at the request of citizens as opposed to a rotating inspection and maintenance program. City street crews repair sidewalks when simple grinding or patching solutions are appropriate. Repairs are also tied to street, curb and ADA ramp projects. Repairs of sidewalks abutting driveways and curbs are usually contracted out. Funding comes from the portion of the City's special use sales tax that is dedicated to street maintenance.

#### **Topeka, KS**

Although sidewalk repair is the responsibility of property owners in the City of Topeka, a voluntary 50/50 match program is offered. Topeka inspects sidewalks at the request of citizens and when repairs are needed, citizens are offered an opportunity to participate in the 50/50 match program. As part of the program, property owners pay 50 percent of the cost of repairs and the City pays the remaining 50 percent. An on-call contractor performs the repair, resulting in cost savings. Topeka budgets \$30,000 of special use sales tax funding annually for the program; with the additional \$30,000 owner match, the program budget totals \$60,000 annually. The small budget only allows for approximately 30 jobs to be complete each year, and more affluent neighborhoods tend to take advantage of the program as opposed to fixed or low income property owners.

#### **Overland Park, KS**

Property owners are responsible for sidewalk maintenance in Overland Park. Recognizing the growing problem of defective sidewalks though, a policy change was made almost five years ago to utilize City resources to assist owners with simple repairs. As part of the policy decision, General Fund budget was appropriated for equipment, particularly cement grinders that enable crews to grind and patch sections of sidewalks. Current practice in Overland Park is for City crews to perform reasonable sidewalk repairs and notify property owners of their responsibility. The expectation is that property owners will maintain their sidewalks after the initial repair.

#### **Olathe, KS**

Formerly the City of Olathe performed sidewalk maintenance, but two years ago that policy was changed and it no longer repairs sidewalks. Before that change, two crews performed sidewalk inspection and repair, and those crews now focus on curb and street maintenance. Maintenance was request driven as opposed to Olathe administering a comprehensive sidewalk maintenance program. The City still receives requests for sidewalk repairs, but now staff notifies property owners of their responsibility for maintaining sidewalks and determines an appropriate deadline for the completion of repairs. When repairs are not voluntarily completed in a timely manner,

and when it is warranted, the City utilizes the municipal court to resolve the issue. The City still repairs sidewalks at properties where repairs were requested prior to the policy change.

### **Overview of Funding Strategies**

Strategies for increasing the affordability of sidewalk maintenance are similar to those used for other infrastructure projects. For example, contractual agreements may provide volume based pricing through economies of scale. Other strategies involve amortization of project costs over time through leveraged funding or cost-sharing arrangements utilizing multiple funding sources. Still another strategy is to implement alternative surfacing technologies. Alternative surfacing solutions may have higher acquisition costs but lower lifecycle costs, although the total lifecycle cost should be carefully evaluated against the well-known lifecycle cost of concrete.

### **Recommendation**

Street Maintenance crews dedicate their full capacity to existing and future workload. Implementing a comprehensive sidewalk maintenance program would require an additional program manager position and administrative support position, a total of 2 FTE positions. Personnel and supporting expenses for such a program are estimated to cost \$150,000, not including the cost of sidewalk maintenance and construction activity. Such a program would be unique amongst comparable cities and would position the City to leverage funding opportunities and address demand for sidewalks and complete streets infrastructure.

Residential Sidewalk Repair					
City	Legal Responsibility	City Inspects	City Repairs	Notes on Policy	Actual Practice
Olathe	Property owners responsible for repair	By request	No, but exceptions are made	City formerly repaired sidewalks but policy change 2 years ago shifted responsibility to property owners	<ul style="list-style-type: none"> <li>Property owners responsible for repairs</li> <li>Exceptions made for owners who requested city repairs prior to policy change</li> </ul>
Overland Park	Property owners responsible for repair	By request	Yes, almost all	Policy decision made 5 years ago to assist residential property owners	<ul style="list-style-type: none"> <li>City performs first repairs when possible and practical</li> <li>Grinds and patches when appropriate</li> <li>Notifies owner of their responsibility</li> </ul>
Topeka	Property owners responsible for repair	By request	Funds 50% of repairs (maximum of \$30,000 annually)	Voluntary 50/50 program (\$60,000 budget): <ul style="list-style-type: none"> <li>\$30,000 special use sales tax</li> <li>\$30,000 property owners' share</li> </ul>	50/50 program: City uses on-call contractor for repairs: <ul style="list-style-type: none"> <li>Costs funded 50% by City and 50% by property owner</li> </ul>
Lenexa	City responsible for repair	By request	Yes, all	Sidewalk repairs tied to street, curb and ramp projects – all funded through special use sales tax  Complaints/requests also drive repairs	City performs and contracts for all repairs