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OAKLAND

2013 MAY 30 PM 4: 07

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Infrastructure Report: Sidewalks

DATE: May 10, 2013

City Administrator
Approval

Date

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this informational report on the state of the City's Sidewalk Repair Program as a follow-up to the April 23, 2013, "2012 Infrastructure Report Card".

EXECUTIVE SUMMARY

This informational report is the third report in a series of infrastructure reports being presented to the City Council in 2012 and 2013. This report provides an overview of the condition of sidewalks in Oakland, describes the City's current sidewalk repair strategy, and forecasts sidewalk repair activities at current funding levels. Some highlights of the report include:

- There are approximately 1,100 miles of sidewalks in Oakland. About 84% of the sidewalks are in satisfactory condition. The remaining 16% need repairs at a cost of about \$28 million to the City and \$60 million to private property owners.
- The City delivers a balanced sidewalk repair program that focuses on making repairs on the most heavily traveled corridors, but also responds to residential repair and liability reduction demands.
- The City is building an integrated private/public sidewalk repair program that addresses public and private sidewalk damage concurrently.

OUTCOME

This is an informational report, no action is required.

BACKGROUND AND LEGISLATIVE HISTORY

There are approximately 1,100 miles of sidewalks in Oakland. In 2006, The City conducted a comprehensive sidewalk survey to assess sidewalk conditions and inventory assets, such as street

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trees and signs. The survey found that approximately 84% of the sidewalks in Oakland were in satisfactory condition and only 16% were in disrepair.

The majority of sidewalk damage, approximately 68%, was found to be the responsibility of the fronting property owners. The remaining 32% was attributed to trees. Repairs for the public sidewalk damage locations were estimated to cost about \$28 million. Similarly, private damage locations were estimated to cost approximately \$60 million.

Under Section 12.04 of the City of Oakland Municipal Code Sections 5600-5602 of the California Streets and Highways Code, fronting property owners are responsible for maintaining sidewalks and repairing damage to those sidewalks. An exception to this is Oakland's current policy which requires the City to repair sidewalk damage that is caused by official City trees.

In October 2008, staff presented the sidewalk survey findings to the City Council with recommendations for a sidewalk prioritization plan and a sidewalk repair expenditure policy. The City Council approved a corridor-based prioritization policy which was based on public transportation facilities and pedestrian use.

A Five-Year Prioritization Plan was adopted in 2008, by Council (*Resolution No. 81751 C.M.S., see Attachment A*) That policy identified specific priority corridors and directed that all sidewalk repair funding be expended as follows: fifty percent (50%) of available citywide sidewalk repair funds each year for the repair of sidewalks on prioritized corridors, forty percent (40%) on residential (non-corridor) areas, and ten (10%) on mitigating ADA liability and trip-and-fall claims.

Sidewalk Repair Options

The City's Sidewalk Repair Program is optimized to provide safe access to all pedestrians and comply with the Americans with Disabilities Act (ADA) requirements. Repair options include replacement or temporary grinding to remove trip-and-fall hazards. It must be noted that the City experimented with installing rubberized sidewalk panels instead of the conventional concrete panels at 14 pilot program sites. Rubberized sidewalks have been presented as a more sustainable alternative. However, based on an extensive evaluation of the installation sites in Oakland and discussions with other cities in California with similar experiences, concrete sidewalk is still cost-effectively a preferred choice.

Lately, a new method of sidewalk repair known as horizontal cutting of concrete has been tried and proven to be quick and cost effective. This method was used to repair 147 sidewalk hazards in less than a week with more accuracy than traditional grinding. This was tried on the sidewalks surrounding the Merchant Parking Garage at 363, 13th Avenue with success. Staff is planning to continue and employ this solution as an alternate to grinding for liability reduction

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and minor sidewalk repairs. Traditional methods of repair such as complete replacement of sidewalk will be considered when horizontal saw cutting may not be the optimum solution.

Sidewalk Improvements Since 2008

Since 2008, the City has repaired 2,725 sidewalk locations throughout Oakland. It must be noted that the 2006 sidewalk survey recorded 1,824 locations within the same area. This represents a 50% increase in the number of sidewalk damage since 2006. A map of the sidewalk damage locations and repaired corridors to date are shown in ***Attachment B***.

Integrated Private/Public Sidewalk Repairs Approach

The City has moved towards sidewalk repair work with a comprehensive approach that has attempted to coordinate and implement all sidewalk repairs along corridors, irrespective of public or private responsibility. This approach has required extensive coordination with private property owners to address the private damage concurrently with City repairs. The intent is to provide the economy of scale to benefit the property owners by repairing private sidewalks at the same time as the City's projects. The program was initiated in 2008 but has proceeded cautiously in consideration of the impacts of the economic slowdown on individual property owners. Nonetheless, these limited efforts have been largely successful. Property owners are overwhelmingly cooperative with City request to repair private damage concurrently with public repairs.

The following is a summary of the integrated approach results:

- Issued 594 Notice to Repair (NTR) letters for private property-responsible damage and, as a result of the letters, a total of 493 private sidewalk locations were repaired by property owners.
- Response to the NTR's by the private property owners have been 83% and proved to be a huge success.

Promoting Small Oakland Business for Sidewalk Repairs

In 2010, in order to attract small Oakland firms to participate in City projects, staff conducted a simplified process requesting statements of interest and qualification from Oakland small businesses with a focus on sidewalk repairs. The purpose was to simplify the bidding and bonding process for the small contractors and pre-qualify a pool of small contractors for participation in City projects. All pre-qualified contractors were given a contract and provided with the opportunity to participate in bidding for sidewalk repair projects. A total of sixteen contractors participated and were qualified in the prequalification process for construction. Two contractors applied for not to exceed two hundred and fifty thousand dollars (\$25,000.00) and

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fourteen contractors applied for not to exceed five hundred thousand dollars (\$500,000.00) in construction work. At the present time, almost seventy percent (70%) of all contracting capacities have been reached as we continue to assign construction work to those that have capacity for the assigned work. The work involved streets and sidewalks, curb and gutter, minor sanitary sewers and small miscellaneous projects. This program targeted contractors possessing either a current "A" or "C42" or "C8" type contractor license. Contractors with Class A license can perform general engineering and construction work including, but not limited to street, sewer, sidewalk, curb ramp and other infrastructure improvements within the public right-of-way; class C42 contractors will be utilized to perform sanitary sewer lateral work while contractors with C8 can perform concrete work.

Sidewalk Repair Program Funding

The following table summarizes sidewalk repair funding during the past 5 years. Sources typically include the Alameda County Transportation Commission (CTC) Local Streets and Roads Fund (2211) and Alameda County Transportation Commission (CTC) Bike and Ped Fund (2212). A one-time funding from the American Recovery and Reinvestment Act (ARRA) was provided in 2009.

Table 1. Historic Sidewalk Repair Funding

| <i>Fund</i> | <i>FY08-09</i> | <i>FY09-10</i> | <i>FY10-11</i> | <i>FY11-12</i> | <i>FY12-13</i> |
|------------------|----------------|----------------|----------------|----------------|----------------|
| ARRA | \$940,000 | | | | |
| ACTIA (2211) | \$450,000 | \$620,000 | \$620,000 | \$310,000 | \$310,000 |
| Measure B (2212) | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| Totals | \$1,640,000 | \$870,000 | \$870,000 | \$560,000 | \$560,000 |

Trip and Fall Claims

The amount of trip and fall claims due to various sidewalk damage, irrespective of private or public, paid from 2008 to 2012 are as follows:

| | |
|---------|-------------|
| FY 2009 | \$209,522 |
| FY 2010 | \$432,005 |
| FY 2011 | \$1,007,200 |
| FY 2012 | \$514,262 |

Next Steps

The projected sidewalk repair funding for the next 5 years is shown in the table below. With the integrated public/private sidewalk repair approach, we are expecting continued progress in

comprehensive sidewalk repairs on public and private sides providing accessible sidewalks for all type of users including seniors and people with disabilities.

Table 2. Projected Sidewalk Repair Funding

| <i>Fund</i> | <i>FY13-14</i> | <i>FY14-15</i> | <i>FY15-16</i> | <i>FY16-17</i> | <i>FY17-118</i> |
|------------------|----------------|----------------|----------------|----------------|-----------------|
| ACTIA (2211) | \$600,000 | \$600,000 | \$600,000 | \$600,000 | \$600,000 |
| Measure B (2212) | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| Totals | \$850,000 | \$850,000 | \$850,000 | \$850,000 | \$850,000 |

The following corridors are to be addressed in the next 5 years.

- Park Blvd.
- College Avenue
- Telegraph Avenue
- MacArthur Blvd.
- Camden Avenue
- Bancroft Avenue
- San Pablo Avenue
- International Blvd.
- 23rd Avenue
- E. 15th Street
- 17th Street
- Martin Luther King Jr. Way

Curb Ramp Program

In coordination with the Sidewalk Repair Program, the City's Curb Ramp Program ensures access for people with disabilities living and working in Oakland. The Program is currently funded by Measure B funds and state gas tax funds in the amount of \$660,000 per year. Under the City's Curb Ramp Transition Plan, the City is required to install, on an average, 500 curb ramps per year, and anticipates that an additional 150 curb ramps will be installed by development projects. This program is based on the U.S. Department of Justice ADA Title II Regulations, the City of Oakland General Plan (1998), and best practices of other jurisdictions.

A survey of ADA curb ramps in 2002 with updates show approximately 17,978 locations where curb ramps are needed. Of these locations, 7,124 (40%) have ADA compliant curb ramps, 2,752 (15%) have an existing non-compliant ramps which need upgrades, and 8,902 (45%) have no curb ramps. This information will be updated in 2014 or sooner for up to date information.

The following summarizes the number of curb ramps constructed or repaired annually:

| Fiscal year | Number of ADA complaint ramps | Total number of ramps |
|-------------|-------------------------------|-----------------------|
| FY 2008-09 | 516 | 516 |
| FY 2009-10 | 575 | 1091 |
| FY 2010-11 | 559 | 1650 |

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| | | |
|------------|-----|------|
| FY 2011-12 | 478 | 2128 |
| FY 2012-13 | 213 | 2341 |

As shown in the summary, on average, there have been 468 ramps constructed on a yearly basis. The 2012-2013 Fiscal Year reported a lower than average number of curb ramps constructed because the fiscal year is not over. In addition, the next Citywide Curb Ramp project which plans to construct at least 450 curb ramps recently, completed its bidding and contracting phase. There may be more curb ramps constructed from other agencies that have not been counted.

Final Report Card Grade

Based on the methodology used by the American Society of Civil Engineers (ASCE) for the review of State and National infrastructure, the facility grade of sidewalks and curb ramps is D. This grade is based on the following criteria: system capacity, condition, funding, needs, operations and maintenance, and public safety. A more detailed Infrastructure Report Card Grade was presented to the Council on May 7, 2013.

COORDINATION

Offices consulted in the preparation of this report are the following:

- Office of the City Attorney
- City Budget Office
- Public Works Agency – Department of Engineering and Construction
- Public Works Agency – Department of Infrastructure and Operations

COST SUMMARY/IMPLICATIONS

Fiscal Impact: There is no direct fiscal impact to this informational report. The report discusses the overall extent of sidewalk damage citywide and cost to repair damage. It is estimated that at the current funding level, it will take about 35 years to correct the currently identified sidewalk damage unless additional funding is dedicated or if the City's current policy to repair damage caused by trees is changed.

SUSTAINABLE OPPORTUNITIES

Economic: In general, sidewalks in good condition enhance the vitality of neighborhoods. Repair of the sidewalks will enhance the aesthetics of the commercial and residential corridors and result in higher property values.

All construction contracts require the payment of prevailing wages. The sidewalk contracts will offer employment to Oakland citizens and contribute to an increased quality of life. Construction contracts require small and local business participation requirements. In addition,

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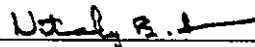
50% of the work hours are performed by Oakland residents and 50% of all new hires are Oakland residents. Project funds used within the community assist in stimulating the economic base.

Environmental: The contractor is required to recycle removed concrete and asphalt to the extent possible. Removed trees and pruned tree roots will be taken to green waste recycling center.

Social Equity: Improvements to the City's sidewalk network will promote equal access for all pedestrians and encourage use of public transit especially frail seniors and people with disabilities.

For questions regarding this report, please contact Gus Amirzehni, P.E., Engineering Design and Right-of-Way Manager, at (510) 238-6601.

Respectfully submitted,


PUBLIC WORKS AGENCY
VITALY B. TROYAN, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director
PWA, Department of Engineering and Construction

Reviewed by:
Gus Amirzehni, P.E., Engineering and R.O.W Manager
Engineering Design and R.O.W Management Division

Prepared by:
Kevin Kashi, P.E., Supervising Civil Engineer
Engineering Design and R.O.W Management Division

Attachment A: A Five-Year Prioritization Plan Adopted in 2008 (Resolution No. 81751 C.M.S)
Attachment B: Maps of Sidewalk Damage Locations and Repairs

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Attachment A

A Five-Year Prioritization Plan Adopted in 2008

(Resolution number 81751 C.M.S)

RECEIVED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

[Signature]
City Attorney

RESOLUTION No. 81751 C.M.S.
Introduced by Councilmember _____

REVISED
3-16-09

RESOLUTION ESTABLISHING A FIVE YEAR PRIORITIZATION PLAN FOR THE CITY OF OAKLAND'S SIDEWALK REPAIR PROGRAM AND ALLOCATING SIDEWALK REPAIR FUNDS TO SPECIFIC CATEGORIES OF REPAIR EACH YEAR

WHEREAS, the City of Oakland's sidewalk infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City of Oakland completed a citywide sidewalk condition survey in 2006 to plan its citywide sidewalk repair program; and

WHEREAS, the City of Oakland has limited financial resources to fund its citywide sidewalk repair program; and

WHEREAS, the anticipated annual funding level for citywide sidewalk repair for the City of Oakland is estimated to be approximately \$700,000.00 over the next five (fiscal years beginning in Fiscal Year 09/10); and

WHEREAS, the City of Oakland has established criteria to be used to prioritize corridors proposed for citywide sidewalk repairs based on the following:

Tier Number 1: Transit streets and corridors with transit centers in the following order of priority:

1. Regional transit streets;
2. Transit centers;
3. Local transit streets.

Tier Number 2: Corridors with the highest density of public facilities in the following order of priority:

1. City buildings (city offices, museums, libraries, senior centers, recreation centers, fire stations, etc.)
2. State and county buildings, including county medical centers;
3. Schools (community colleges; high school, junior high and elementary school programs with magnet programs for children with disabilities; and all other public schools);

4. Large public housing (OHA) sites and critical homeless services;
5. City parks and open space.

Tier Number 3: Corridors with the highest density of privately owned public accommodations in the following order of priority. Zoning designations are per the City of Oakland General Plan and Zoning Map, January 2008:

1. Commercial zoning areas (C1-xx) and Kaiser (KX) — (with an emphasis on doctor, medical and health offices; service sites of disability organizations; and major employment sites);
2. Special zoning areas limited to medical centers not listed above (S1); transit oriented development (S15); and housing and business mix (HBX1-3);
3. Medium to high density housing and high rise apartments (R50 – R90);
4. Other public accommodations.

Tier Number 4: Locations that do not fall into any of the above groups including, but not limited to, other residential areas.

WHEREAS, the above prioritization criteria is intended to conform with the requirements of the Americans with Disabilities Act (ADA), reduce the City's liabilities from ADA complaints and trip and fall claims; and respond to the citizen demand for sidewalk repairs where pedestrian activity is highest; now, therefore be it

RESOLVED: That, in order to optimize resources for sidewalk repair to the extent possible, the City adopts and will use the above criteria to prioritize citywide sidewalk repairs; and be it

FURTHER RESOLVED: That a minimum of fifty percent (50%) of available citywide sidewalk repair funds each year will be dedicated to repair sidewalks that are identified by the above prioritization criteria on prioritized corridors, and that a minimum of ten percent (10%) of available citywide sidewalk repair funds each year will be dedicated to repair sidewalks that will reduce the City's liabilities from ADA complaints and trip and fall claims, and that the remaining forty percent (40%) of available funds will be dedicated to repairing selected low-priority sidewalk damages.

BE IT FURTHER RESOLVED: That within each Council District, not more than 15% of the resources dedicated to corridors may be shifted to residential sidewalks where there is a need. Prior to making such adjustments, the City Administrator will consult with the Council office for the district in question and if necessary bring the issue to the Council.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 6 2009, 20

PASSED BY THE FOLLOWING VOTE:

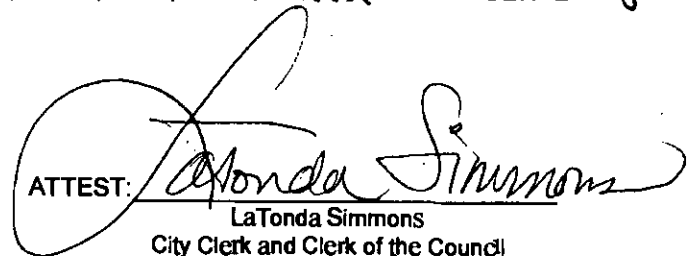
AYES - BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT~~ DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

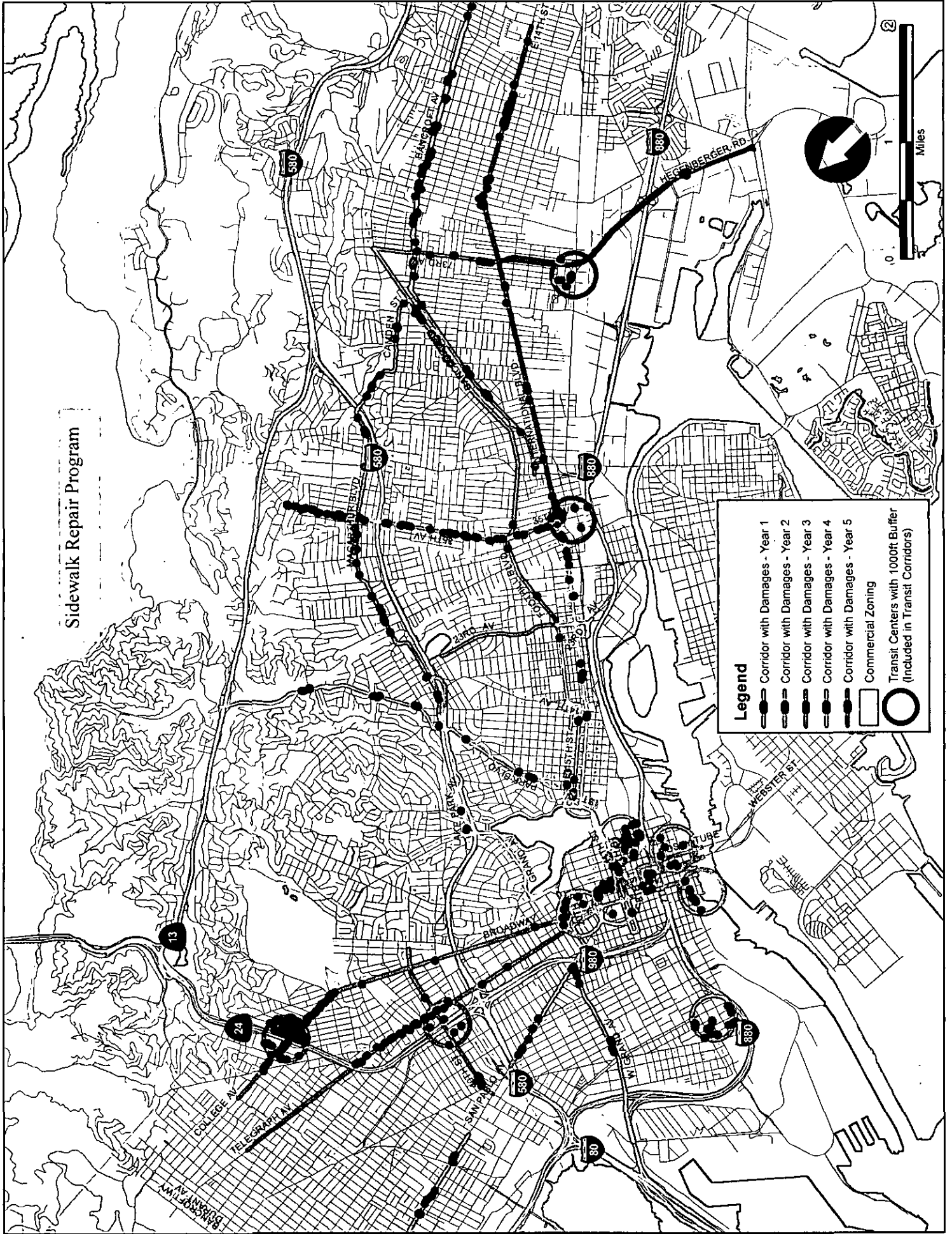


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Attachment B

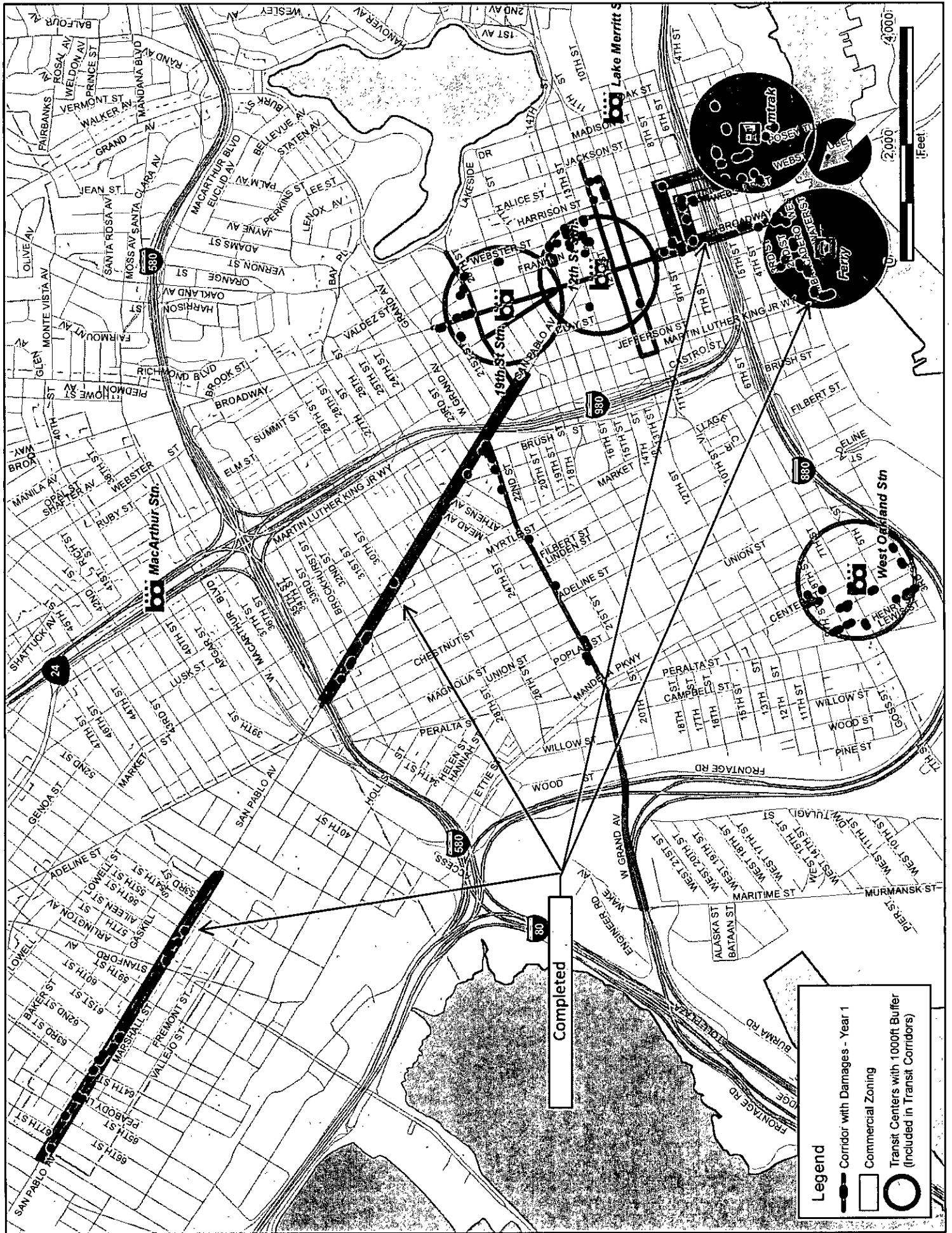
Maps of Sidewalk Damage Locations and Repairs

Sidewalk Repair Program



Legend

- Corridor with Damages - Year 1
- Corridor with Damages - Year 2
- Corridor with Damages - Year 3
- Corridor with Damages - Year 4
- Corridor with Damages - Year 5
- Commercial Zoning
- Transit Centers with 1000ft Buffer (Included in Transit Corridors)



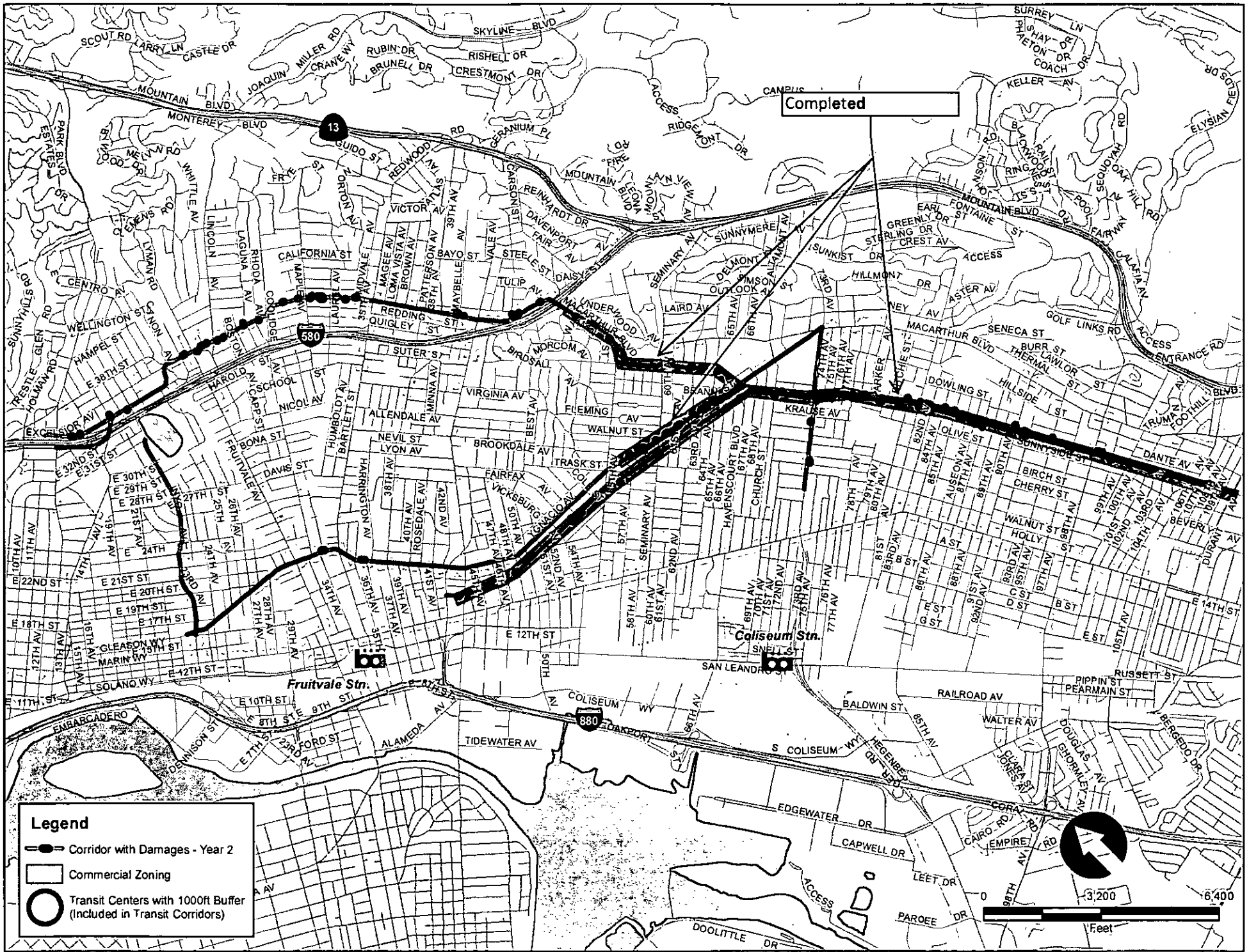
Completed

MacArthur Stn

West Oakland Stn




Lake Merritt



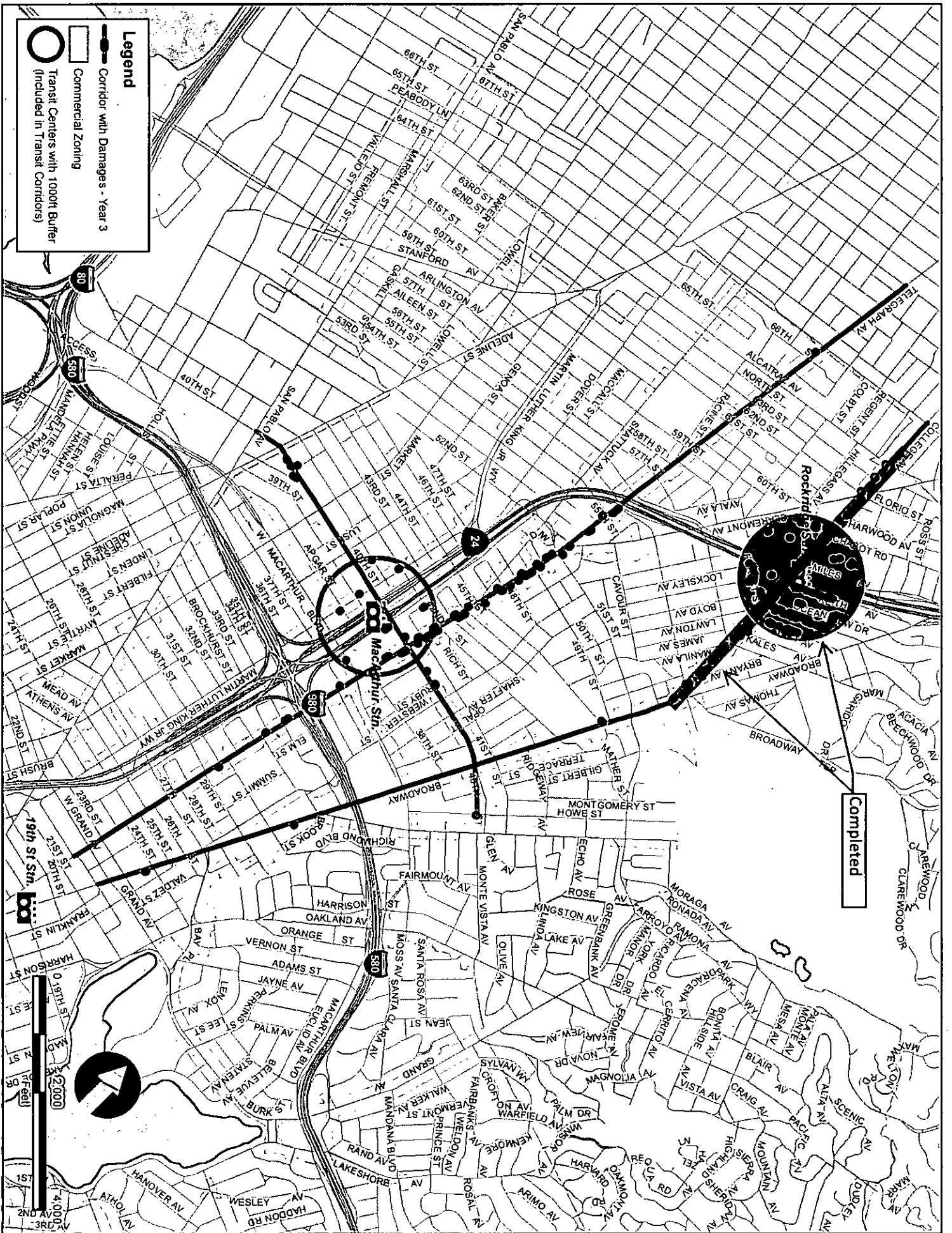


Completed


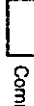

Legend

-  Corridor with Damages - Year 2
-  Commercial Zoning
-  Transit Centers with 1000ft Buffer (Included in Transit Corridors)





Legend

-  Corridor with Damages - Year 3
-  Commercial Zoning
-  Transit Centers with 1000ft Buffer (included in Transit Corridors)

Completed

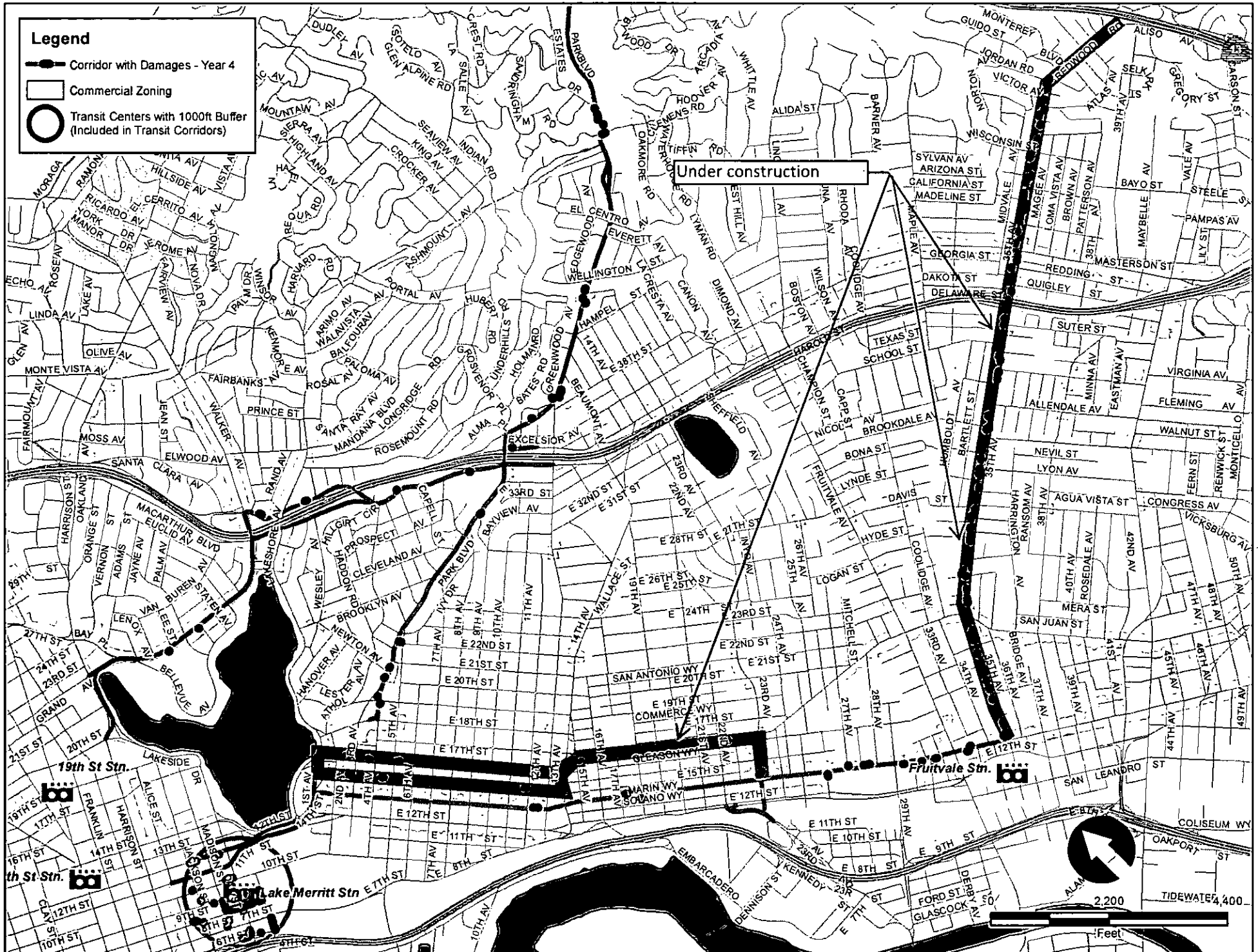


Legend

●— Corridor with Damages - Year 4

□ Commercial Zoning

○ Transit Centers with 1000ft Buffer (Included in Transit Corridors)



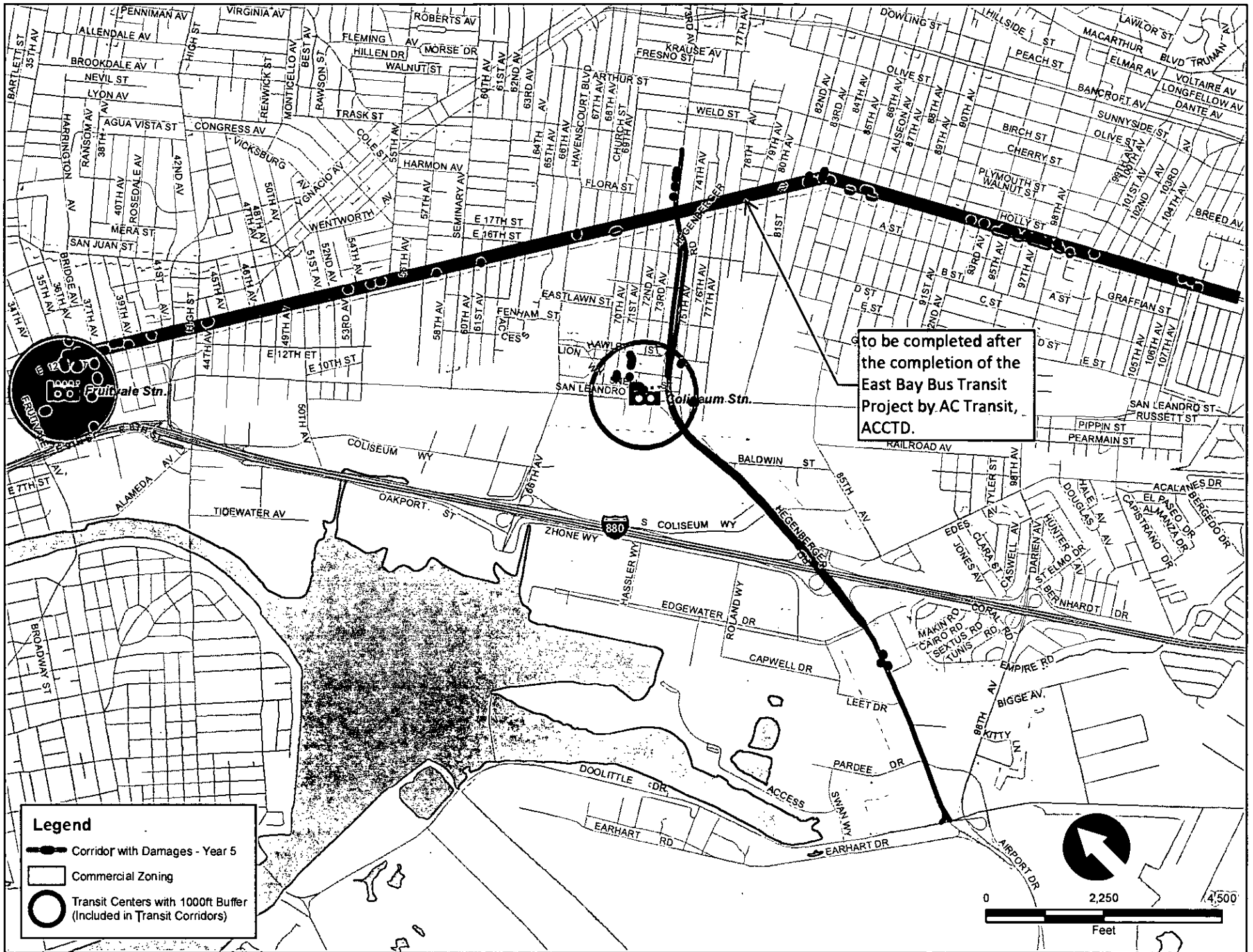
Under construction

19th St. Stn.

Lake Merritt Stn.




Fruitvale Stn.






to be completed after the completion of the East Bay Bus Transit Project by AC Transit, ACCTD.

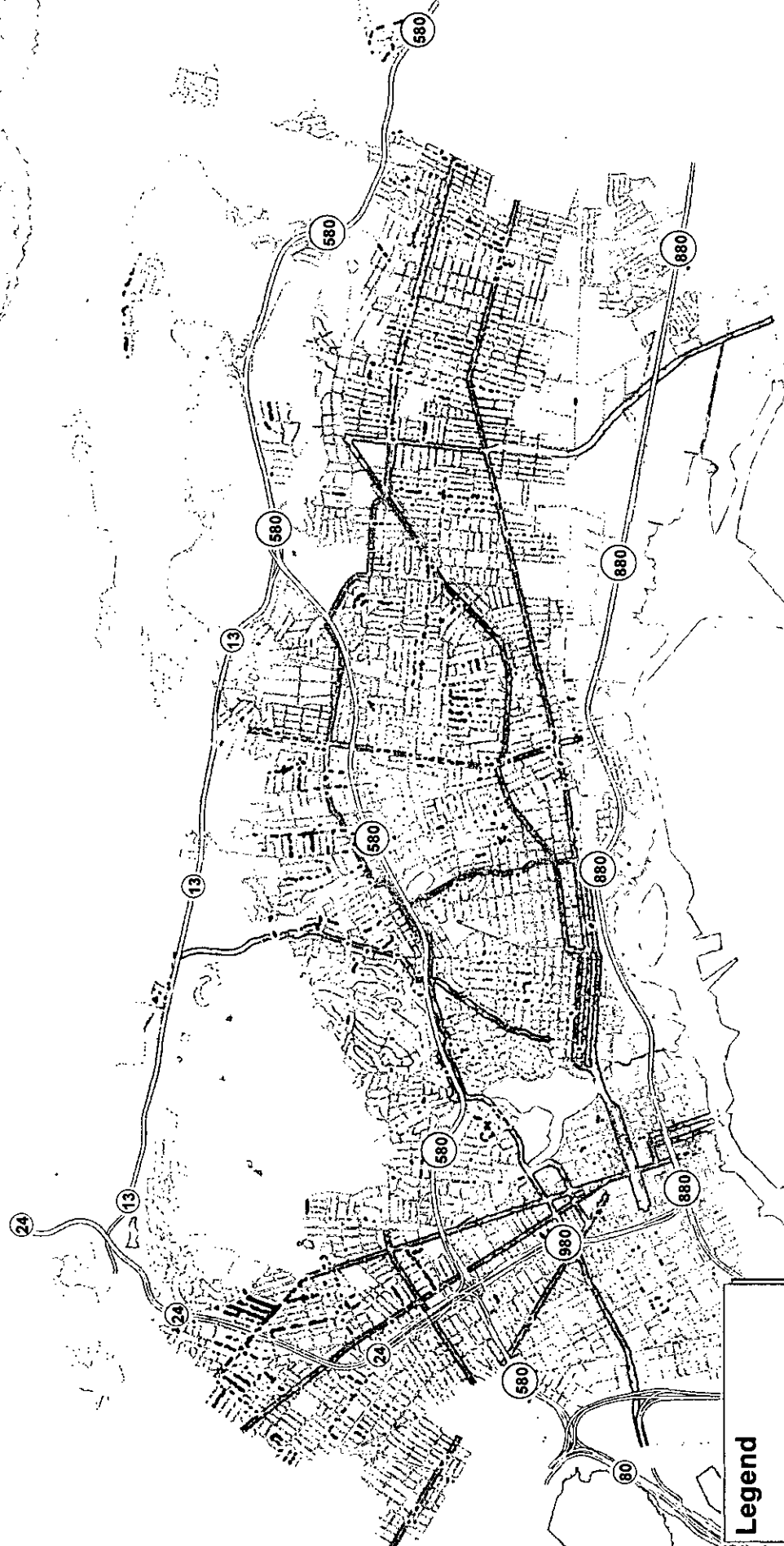
Legend

-  Corridor with Damages - Year 5
-  Commercial Zoning
-  Transit Centers with 1000ft Buffer (Included in Transit Corridors)

0 2,250 4,500
Feet



Sidewalk Repair Locations (2008-2012)



Legend

- Verified Repairs
- Sidewalk Damage
- Prioritized Corridors
- Freeways

Total Locations Repaired: 2,726
Total Locations Repaired from Damage on 2006 Survey: 1,824
Total Repaired Area: 220,908 SQ. FT
Total Damaged Area: 1,240,008 SQ. FT