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November 15, 2023

Honorable City Council  
c/o Holly L. Wolcott  
City Clerk  
Room 360, City Hall

## **RECOMMENDATIONS FOR APPROPRIATION OF FISCAL YEAR 2023/24 SUPPLEMENTAL SIDEWALK REPAIR PROGRAM (SRP) FUNDING**

### **SUMMARY**

This report is in response to the Council's budget instruction for the Bureau of Engineering (BOE), to report, before encumbering the \$28,302,704 designated for Sidewalk Repair - Access Request Acceleration in the Fiscal Year 23-24 Budget, under instruction No. 67(e). These recommendations would appropriate funds among Access Requests, pedestrian facilities adjacent to City facilities, general pedestrian facility maintenance, and other priorities to maximize pedestrian accessibility and safety benefits. Recommendations #1-3 would fund sub-programs of the existing Sidewalk Repair Program (SRP) managed by BOE in compliance with the terms of the *Willits* Settlement Agreement (Settlement). Recommendation #4 would fund new pedestrian facility maintenance initiatives that are generally not eligible for credit under the Settlement. The recommendations aim to create a comprehensive pedestrian facility repair and maintenance strategy that improves the responsiveness, efficiency, and effectiveness of the City's various efforts.

### **RECOMMENDATIONS**

That the City Council:

1. AUTHORIZE the BOE to encumber up to \$13,002,704 within Measure R Local Return Fund No. 51Q/94, Account No. 94YC09, Sidewalk Access Request Acceleration for design and construction of Access Requests.
2. AUTHORIZE the Controller to appropriate \$4,000,000 within Measure R Local Return Fund No. 51Q/94, Account No. 94YC09, Sidewalk Access Request Acceleration to a new account, Account No. TBD, titled "City Facilities Pedestrian Facility Remediation."

3. AUTHORIZE the Controller to appropriate \$5,800,000 within Measure R Local Return Fund No. 51Q/94, Account No. 94YC09, Sidewalk Access Request Acceleration to a new account, Account No. TBD, titled "General Program Access Improvements."
4. AUTHORIZE the Controller to appropriate \$5,000,000 within Measure R Local Return Fund No. 51Q/94, Account No. 94YC09, Sidewalk Access Request Acceleration to a new account, Account No. TBD, titled "Pedestrian Facility Maintenance (StreetsLA)."
5. AUTHORIZE the City Administrative Officer to make technical corrections, as necessary to implement the intent of the Council and Mayor.

## **BACKGROUND**

On October 11, 2023, the City Council adopted CF 21-1469, which outlines a proposed comprehensive and proactive approach to pedestrian facility repair and maintenance in Los Angeles. Also on October 11, 2023, the City Council allocated \$500,000 for the first step in this investment plan, a pilot pedestrian facility inventory and assessment program (CF 21-1469-S1). As directed during the Fiscal Year 2023-24 budget process, this report recommends allocating the balance of \$27,802,704 in supplemental funding for sidewalk repair toward a combination of established *Willits* Settlement Sidewalk Repair Program initiatives and new initiatives consistent with a comprehensive asset management framework. The City Council instructed the City Administrative Officer (CAO) to provide a companion report regarding staffing needs in other Public Works bureaus to deliver the programs described in this report.

Under current law and established practice, the City's pedestrian facilities are owned and managed by StreetsLA and maintained by a combination of City and private resources. Based on federal disabled access laws and local ordinance, the City has assumed de facto responsibility for virtually all sidewalk maintenance. In 2017, with the adoption of LAMC 62.104, the City suspended enforcement of private maintenance obligations in most cases until such a time that the City remediates subject sidewalks to comply with current disabled access standards and returns them to private property owners for maintenance. Since 2017, BOE has implemented the SRP to achieve the City's obligations under the Settlement, which requires a minimum expenditure toward pedestrian facility remediation via various sub-programs to meet current disabled access standards. For more background on these issues, please see BOE's August 30, 2023, report in CF 21-1469.

In virtually all cases, remediation to achieve disability access standards requires removal and reconstruction of sidewalk segments rather than performing maintenance on existing sidewalk panels. Therefore, BOE's SRP resources are entirely allocated toward sidewalk reconstruction, consistent with the Settlement terms and the City's obligations under the Americans with Disabilities Act (ADA). Despite having a de facto responsibility to maintain pedestrian facilities, StreetsLA is not staffed or funded to fulfill this need for ongoing maintenance work.

## **DISCUSSION**

In response to Council's direction, this report recommends the best use of sidewalk repair resources to achieve multiple objectives. BOE based these recommendations on the following programmatic elements of a comprehensive and strategic approach to management, improvement, and maintenance of the City's pedestrian facilities:

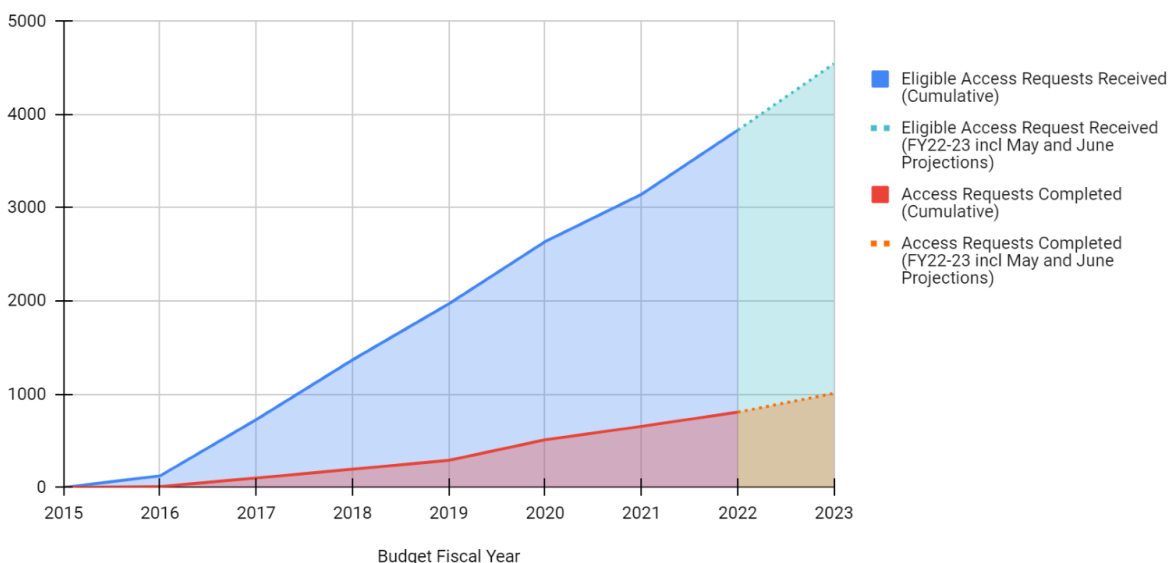
- I. *Remediation of Existing Facilities.* Remediation of existing non-compliant pedestrian facilities constructed prior to the Americans with Disabilities Act and the Settlement, with priority for pedestrian facilities providing access to City facilities and remediating barriers reported by individuals with disabilities.
- II. *Alterations, Additions, and New Construction of Pedestrian Facilities.* Projects completed in the City's public right of way, by the City or by other agencies, which construct or alter pedestrian facilities do so in compliance with minimum disabled access scoping and technical standards. City projects also optimize their project's scope beyond minimum compliance to maximize each project's positive impact on pedestrian mobility.
- III. *Ongoing Maintenance.* Maintaining the accessible features of existing non-compliant pedestrian facilities and maintenance of the remediated and newly constructed pedestrian facilities in accessible, safe, and usable condition by utilizing targeted strategies ensures that the City's investment in its pedestrian infrastructure is fully realized over the long term.

Based on this approach, this report recommends allocating funding for the following purposes: accelerating Access Requests from *Willits* class members, remediating accessibility barriers at public-serving City Facilities, leveraging City capital projects to deliver additional improvements to pedestrian facilities, and investing in routine sidewalk maintenance activities. The recommendations include funding for BOE's reconstruction programs, augmentation of capital projects, and StreetsLA's maintenance activities, as described below.

### **Access Request Program Acceleration**

The Access Request Sub-Program is one of the highest priorities of the Settlement. It provides equal access to the City's pedestrian facilities by remediating access barriers, as experienced and identified by or on behalf of persons with mobility disabilities, in pedestrian facilities such as sidewalks, intersections, crosswalks, and curb ramps. Under the Settlement, the City has agreed to expend a minimum of 20% of the Minimum Annual Commitment on the Access Request sub-program and use its best efforts to, and to the extent feasible, complete requests within 120 days of receipt.

SRP Access Request Performance



Although BOE has historically focused the majority of its resources on the Access Request Sub-Program, BOE's capacity to complete Access Requests with the resources provided has not been able to keep pace with the number of requests received (see figure). Currently, there are more than 3,000 verified, eligible Access Requests in the SRP queue. Access Requests are reviewed in the order received with completion priority assigned per the Council-adopted Prioritization and Scoring System (CF# 14-0163-S3). The time for an Access Request to be completed exceeds one year from the date of submittal for high-priority locations. The wait time can exceed 10 years for requests in lower priority locations (non-residential and/or more than 500 feet from a transit stop).

To expand program capacity and reduce the rate of growth of the backlog of requests, BOE proposes to allocate sufficient funding to credit the full annual commitment each year to the Access Request Sub-Program and its management, currently \$35.743 annually. Based on Fiscal Year 2022-23 expenditures, approximately \$24 million of the annual Settlement Commitment was expended on Access Requests and/or general SRP Program Management expenditures. Allocating \$13 million of the current fiscal year's supplemental funds towards Access Requests is expected to grow the program's delivery capacity by 50 percent on an ongoing basis. In addition to completing additional Access Requests, BOE will utilize this additional funding toward program and process improvements to make the delivery of Access Requests more streamlined and efficient, to implement new contracting methods that achieve faster delivery of Access Requests, and to double the number of contracts issued annually via our Community Level Contracting (CLC) opportunity.

### ***Public-Serving City Facilities***

The Settlement prioritizes the removal of access barriers in pedestrian facilities that serve City Facilities. For each City facility improved under the SRP, all access barriers within the adjacent pedestrian facilities and path of travel leading to the primary entrance are removed and made compliant with disabled access standards. Under the Settlement, the City agreed to complete barrier removal at City facilities within the first five years of the Program. However, in consultation with SRP stakeholders, the SRP has prioritized work on the Access Request Sub-Program over the City Facilities Sub-Program. Through year six of the program (FY 2022-23), construction has been completed at 263 of over 3000 identified City facilities. In addition, the City's proprietary departments have removed barriers in the pedestrian facilities fronting 225 of their properties.

This report recommends allocating \$4 million of supplemental funding toward pedestrian facility remediation at City facilities, with an emphasis on those facilities that provide critical programming and services to residents. These include City-owned, operated or maintained parks, community/senior centers, police stations, fire stations, and other constituent service centers. BOE estimates that the additional funding will remediate pedestrian facilities fronting approximately 16 City facilities. Facilities will be prioritized based on a forthcoming scoring matrix subject to Council approval (CF 21-1469).

### ***General Program Access Improvements***

A third component of the Settlement, the General Program Access Improvement (PAI) Sub-Program, implements other remediation priorities citywide with greater flexibility. The Settlement dictates that this sub-program's resources be allocated toward remediating high-priority barriers, such as missing curb ramps and sidewalk uplifts due to tree roots, at

locations likely to experience high use by people with disabilities, such as transportation corridors, near hospitals and similar medical care facilities, and in commercial and business zones. To date, the General PAI Sub-Program has focused on installing curb ramps, but has otherwise been a small share of the overall SRP due to the focus on Access Requests. BOE will report with an updated prioritization matrix for this sub-program in the near future.

After accounting for the above proposed allocations toward Access Requests and City Facilities subprograms, the SRP's project delivery capacity will be fully utilized for the remainder of the fiscal year. Therefore, BOE proposes to deliver up to \$5.8 million of General PAI by augmenting other City capital projects that are able to incorporate the remediation of additional pedestrian facilities beyond the minimum accessibility requirements into their scopes of work, for facilities and locations that score highly on the forthcoming General PAI Prioritization Matrix. Project augmentations are expected to be beneficial to the broader community, improve pedestrian mobility and connectivity, address existing SRP Access Requests, and/or advance the goals of Mobility Plan 2035. All funding allocated under this sub-program must be eligible for credit under the Settlement, which means that projects can only receive funding for additional scope that would not otherwise be required by disabled access laws and standards.

BOE proposes that opportunities for scope augmentation be identified in collaboration with the *Interdepartmental Memorandum of Understanding: Improving Project Planning and Delivery in the Public Right-of-Way (2022)* Core Team with a final determination of eligible scope made by the City's ADA Coordinator for the Pedestrian Right of Way. The City Administrative Officer would make any necessary transfers from the PAI account to other capital project funding accounts via the regular Construction Project Report (CPR) process or similar mechanism. Funded improvements would be delivered by the project sponsor but credited toward SRP's metrics and the *Willits* Settlement Annual Commitment for tracking purposes.

### ***Pedestrian Facility Maintenance***

Maintenance of the City's assets is an important primary function of our local government, however there is currently no systematic maintenance program to reduce hazards and extend the serviceable life of existing pedestrian facilities, short of reconstruction. StreetsLA is the owner and asset manager for pedestrian facilities such as sidewalks, curb ramps, and crosswalk surfaces, but has never been adequately funded or staffed to fulfill this role. Historically, sidewalk maintenance has been conducted in an infrequent and ad hoc manner and maintenance of other pedestrian facilities does not regularly occur. In Fiscal Year 2019-20, StreetsLA established a limited Risk and Liability Mitigation Program to address locations with high risk exposure and a history of injury claims ([CF 19-0600-S82](#)). The current Fiscal Year 2023-24 budget continues these efforts with an allocation of \$1.2 million.

Once the City's pedestrian facilities are remediated or repaired into compliance with disabled access standards by the methods detailed above, the City is required to maintain them in accessible condition. Additionally, the City is obligated to maintain in accessible condition the accessible features of non-compliant pedestrian facilities. To this end, as the asset manager, StreetsLA can perform specific maintenance activities without triggering other accessibility requirements. These maintenance activities are required to be as accessible as possible and do not relieve the City of its ultimate obligation to provide a fully accessible pedestrian facility, which in most cases involves reconstruction of the sidewalk. However, when delivered in coordination with remediation efforts and capital improvements, these maintenance activities play an important role in the City's comprehensive strategy to provide a usable network of pedestrian facilities by quickly and flexibly reducing barriers.

As part of a comprehensive asset management approach, this report recommends allocating \$5 million of the supplemental sidewalk repair funding to maintenance activities for sidewalks, crosswalks, and curb ramps. These maintenance activities include responding to and resolving warranty repairs per the implementation of LAMC 62.104 (Fix and Release), asphalt patching of uplifts or gaps in sidewalk and crosswalk surfaces, grinding or saw-cutting, reconstruction of up to two sidewalk panels or 10 feet of sidewalk (whichever is greater), replacement of damaged or uplifted detectable warning surfaces on curb ramps, or other maintenance activities as defined in [Special Order 04-0222](#) (and applicable subsequent updates). As the asset manager for these facilities, StreetsLA would deploy these resources to appropriate locations, create a plan for ongoing maintenance at the locations known or suspected to have barriers that will reoccur, and gather and document detailed data for the City to better understand the usable life of each type of interim repair given each site's contributing conditions. BOE would advise StreetsLA to ensure repairs are conducted in accordance with applicable disabled access laws and to avoid conflicts with locations scheduled to be remediated via the *Willits* Settlement Sidewalk Repair Program. Given that the maintenance work is not expected to fully comply with disabled access standards and requirements, this work would not be eligible for credit toward the *Willits* Settlement Annual Commitment. This recommendation would approximately quintuple the City's annual investment in interim sidewalk repair. StreetsLA will provide reporting on the program's accomplishments, maintenance cycles, and expected usable life of repair types to Council at appropriate intervals.

### ***Saw-Cutting Pilot Program***

StreetsLA's risk and liability reduction crews have the capability to perform a number of interim repair (maintenance) techniques for sidewalks, as described in their February 12, 2020, report to Council ([CF 19-0600-S82](#)). However, recent advances in saw-cutting techniques, also known as precision or diamond cutting, are beyond the capability of existing crews. Consistent with a recent Council motion ([CF 21-1469-S2](#)), this report recommends engaging a contractor to demonstrate new cutting techniques and evaluating the results to determine whether cutting should play a more significant role in the City's pedestrian facility maintenance efforts.

A pilot program would evaluate the technique's effectiveness in a variety of situations and, if successful, develop site selection and prioritization criteria for expanded use. This pilot would be closely coordinated with the Pilot Pedestrian Facility Inventory and Assessment ([CF 21-1469-S1](#)) with the goal of establishing a functionally integrated assessment-to-maintenance workflow.

Funding for this pilot program is included in the recommended \$5 million allocation for maintenance activities to be managed by StreetsLA. If the recent motion ([CF 21-1469-S2](#)) is approved by Council, then StreetsLA would report under that file with a recommended scope and value for the contracted services.

### **FISCAL IMPACT**

This report recommends appropriating funding previously set aside for these purposes in the Fiscal Year 2023-24 Budget. The recommendations in this report will have no impact on the general fund. The CAO will provide a separate report evaluating staffing needed in other Public Works bureaus to deliver the recommendations in this report.

If you have any questions, please contact City Engineer Ted Allen at (213) 485-4935.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ted Allen', with a blue ink stamp above it that says 'ENGINEERING' and 'Electronically Signed by Ted Allen'.

Ted Allen, P.E.  
City Engineer

A handwritten signature in blue ink, appearing to read 'Keith Mozee', with the word 'for' written below it.

Keith Mozee  
Director, StreetsLA

TA/KDM: jsdlv:ns:rl

cc: Randall Winston, Office of the Mayor  
Aura Garcia, Board of Public Works  
Teresa Villegas, Board of Public Works  
David Hirano, Office of the City Administrative Officer