

Staff Report

SIDEWALK SAFETY PROGRAM

April 9, 2024

BACKGROUND:

At the January 23, 2024 meeting, staff presented City Council with a review of the Sidewalk Safety Program and included options for revisions to the program based on changes to federal standards that took effect in October 2023. A copy of the staff report from the January 23, 2024 meeting is attached to this report. Council directed staff to undertake a campaign seeking public input and to provide guidance regarding a number of other sidewalk related questions before bringing the information back to Council for direction.

The City’s Municipal Code requires that abutting property owners maintain sidewalks. The City investigates sidewalk concerns on a complaint basis and notifies property owners of any defects and the need to repair sidewalks using a limited scope of approved repair options (full replacement, mud-jacking, or limited grinding).

The City's current sidewalk standards and staff's proposed standards are outlined in Table 1, below:

Table 1.

Defect Standard Category	Current Standard (no more than):	Proposed Standard (no more than):
Vertical Displacement	1/4"	1/2"
Horizontal Displacement	1/2"	1"
Holes	1/2" Diameter	Area of 4 square inches
Spalling	50% of surface, 1/4" deep	50% of surface, 1/4" deep
Cracks	2 cracks, > than 1/8" wide	3+ cracks, > than 1" wide

PUBLIC OUTREACH:

City staff developed a survey to solicit feedback from the public regarding the revisions to the Sidewalk Safety Program standards that were presented to Council. The survey also sought input as to repair methods, complaint-based versus proactive inspections, anonymous reporting, and subsidized repair options. Respondents were also provided the opportunity to freely input ideas or information that may be useful regarding the Sidewalk Safety Program.

The online survey went live on February 23, 2024 and was published via press release on that date. Multiple social media posts pushed out information regarding the survey and requests for participation. Staff also sought input by sending a link to the survey directly to an email listing of minority-owned businesses provided by the Ames Chamber of Commerce. Paper copies of the survey were made available at the Ames Public Library. Staff attended the Iowa State Sustainapalooza Event held in late

February and offered paper copies of the survey at this event. The survey closed on March 22, 2024 with 486 responses. Of those responses, 41 of those were submitted using paper forms. 98% of respondents identified as residents; 5% identified as students. 88% of respondents indicated they were property owners in Ames.

Results from the survey are noted below:

Question 1: Are the proposed sidewalk safety standards:

	Results
Too Restrictive?	27%
About Right?	60%
Not Restrictive Enough?	13%

Question 2: Should the City consider adding these additional repair options (grinding, joint filling, and partial patching)?

	Results
Yes?	94%
No?	6%

Question 3: Should the City utilize a complaint-based only system or establish a proactive system for sidewalk investigations?

	Results
Complaint-based?	52%
Proactive?	48%

Question 4: Should anonymous reporting for sidewalk complaints continue to be allowed in the Ames on the Go reporting application?

	Results
Yes?	74%
No?	26%

Question 5: Should the City consider subsidizing sidewalk repairs or offering one of the following financial assistance programs?

	Results
Income-Based - applications must qualify?	28%
Grant Program - funds are distributed until funding is exhausted?	15%
Cost-Sharing Program - City and property owner both participate?	47%
None	10%

There were 36 comments for Question 4 (anonymous reporting) with 11 of those comments indicating that anonymous reporting should continue to be allowed, but that those reporting should be known to the City yet remain anonymous to the rest of the general public.

There were 61 comments for Question 5 (financial assistance programs) of which 22 comments indicated that they would like to see a combination of the subsidy options available. Additionally, another 25 comments for this question stated that the City should pay for all of the sidewalk repairs within the right of way.

There were 137 open-ended comments provided in the survey. Fourteen of those comments requested

that the City focus on infilling areas where there is no sidewalk. Seventeen comments requested that the City establish a contractor list with approved contractors that residents may utilize. Twenty-eight of the comments requested that the City pay for repairing damage from trees located in the right-of-way.

Separately from the survey results above, several emails to staff and replies on social media indicated a desire that the City focus on infilling areas where no sidewalk exists as the main priority.

PROACTIVE INSPECTION:

Question 3 indicated that 52% of respondents favored continuing with a complaint-based system and 48% desired implementing a proactive inspection program.

City Council requested that staff return with information regarding the total miles of sidewalks and how many miles per year Public Works would be able to inspect if Council were to enact a proactive inspection program.

Staff has analyzed aerial photography utilizing the City's Geographical Information System (GIS) and estimates that there are approximately 246.5 miles of sidewalk within the public right-of-way. Public Works staff has not undertaken this type of proactive enforcement in the past; thus, it is difficult to estimate a number of miles that can be inspected given current staffing and workloads. Using the number of complaints and inspections completed in calendar year 2023 as a reference, staff investigated 10.7 miles of neighborhood sidewalk. The time required to investigate those 10.7 miles was significant because the complaints tended to be sporadic when they were reported to the City and because the inspections occurred during times of the year where maintenance activities for the street transportation network held a higher priority.

Therefore should the City Council chooses to pursue a proactive inspection policy, the Staff would recommend that between 12 to 15 miles per year be used as a goal for starting the inspection program. Those inspections would be performed during the seasonal transitions of fall or late winter, when staff could be more efficient in their investigations. This workload would be evaluated over the course of a few seasons with a report back to Council including any recommended changes based off that workload.

PROGRAM SUBSIDIES:

The three most common types of subsidized sidewalk repair policies are income-based, grant-based, and cost-sharing. **For most city programs researched, the subsidy is limited to owner-occupied residential properties, and it is the responsibility of the owner to contract and pay for the repairs. If a subsidy program was adopted, it would be staff's expectation that subsidies would only apply for the individual sidewalk panels that are determined to be deficient compared to the adopted standards. If a property owner desired to replace additional panels that are in compliance, the property owner would be responsible for 100% of the cost of those compliant panels.**

1) **Income-Based program establishes a maximum income threshold in order for an applicant to qualify for a subsidy.** A set amount of funding would be allocated to the program and expenditures tracked on a fiscal year basis. The applicant must apply for the subsidy and provide documentation of income levels, typically in the form of federal or state tax forms, before being approved for the subsidy. All, or a predetermined percentage of the cost of the sidewalk repair, is then paid for by the City. Applications are approved based on available funding. This type of program is currently available in Des Moines and Cedar Rapids. **Twenty-eight percent of survey respondents favored this approach.**

2) Grant-Based program establishes a set amount of funding that is available on a first-come, first-served basis to cover the costs of sidewalk repairs. A set amount of funding is allocated to the program and expenditures tracked on a fiscal year basis. Application criteria can be created to prioritize requests, or it can be open-ended. Typically, the repair must be identified and marked by the City prior to applying for the grant and multiple bids are required to be submitted with the application to ensure competitive pricing. Applications are approved based on eligibility and available funding. **Fifteen percent of survey respondents favored this approach.**

3) Cost-Sharing program is similar to the grant-based program where the application process and requirements are typically the same. A set amount of funding is allocated to the program and expenditures tracked on a fiscal year basis. **The main difference is the City establishes 1) a predetermined cost, usually in dollars per square foot of sidewalk, 2) a predetermined percentage of the repair cost that will be paid with City funds, and 3) a maximum subsidy amount per property.** Applications are approved based on eligibility and available funding. Cedar Rapids has a similar program where up to 35% of the cost of repair is eligible with a standard price of \$12 per square foot and a maximum subsidy of \$1,000. **Forty-seven percent of survey respondents favored this approach.**

Staff's research of other cities' policies regarding the three funding approaches highlighted above indicates that when the funding has run out and a property is identified for repair, the owner may wait until the following fiscal year to accomplish the repairs and be given priority for that next year's subsidy allocation. However if this type of policy is pursued, staff would need first to explore the question of liability in the event that a sidewalk defect is brought to the City's attention, but no immediate action is taken to repair it.

Of the survey respondents, 10% believed there should not be a subsidy. Additionally, 22 comments were received in support of creating a hybrid program of some combination of these subsidy approaches.

CITY FUNDED REPAIRS AND CONTRACTING:

The City Council also asked staff to develop an estimate of the cost for the City making repairs based on sidewalk investigations. This is a challenging exercise to determine without a thorough inventory of sidewalks and necessary repairs. Based on information from calendar year 2023, 10.7 miles of sidewalk were investigated. Of that 10.7 miles, approximately 5%, or 2,825 feet, required repair. It is difficult to determine whether a typical section of sidewalk contains the same proportion of defective panels; the majority of the inspections in calendar year 2023 were in the Somerset and Prairie View East/West neighborhood, with some areas being less than 25 years old and, therefore, likely in better condition. However, it can be assumed that these areas were complained about because their condition was questionable. Older areas of Ames are likely to have more necessary repairs simply based on age and deterioration.

Contractor prices for sidewalk repair vary greatly (between \$10 to \$50 per square foot of concrete, with an average cost around \$25 per square foot in calendar year 2023). Much of this variation depends upon the quantity of work necessary at a particular property. There begins to be greater savings as more work is required at one location, which is the most efficient for contractors. It is likely the City could obtain very competitive pricing for larger areas.

Using the example from calendar year 2023, the 2,825 linear feet of sidewalk that required repair

were all 4 feet wide, which would equal 11,300 square feet. At \$25 per square foot average price, the overall cost would be \$282,500 for calendar year 2023. It should be noted that this number assumes that all sidewalk panels that required repair needed to be completely removed and replaced. It is very likely that other proposed repair options could be utilized in lieu of total replacement. These newly proposed options are traditionally more cost-effective compared to full removal and replacement.

OPTIONS:

Staff will need policy direction from City Council regarding three sidewalk related issues:

- 1) **The City Council can consider changes to Sidewalk Safety Program defect standards and repair options as presented at the January 23, 2024 meeting (see Table 1.), or Council could reaffirm the current standards.** Doing so will provide guidance by which staff will evaluate existing sidewalk conditions and repairs moving forward.
- 2) **The City Council should then consider how staff should investigate sidewalk conditions throughout the community; by either continuing with a complaint-based-only approach or incorporating a proactive inspection approach. If Council wishes to adopt a proactive approach, direction should include the goal for the number of miles inspected each year.**
- 3) **Should the City Council desire to provide a subsidy for repair of sidewalks, staff would need guidance as to the type of program that is desired and annual funding amounts to consider in the budget.**

STAFF COMMENTS:

Public input appears to support the modification of Sidewalk Safety Program defect standards as presented in January with strong support for the additional repair options.

Public input is nearly equally split between staying with the current complaint-based investigation program or implementing a proactive inspection process. All peer cities that were checked utilize some form of proactive program and claim that the number of complaints remains low because of continual investigation throughout the community.

Those peer communities do allow for anonymous reporting of complaints, however none claim to have experienced the dramatic increase that Ames experienced in the fall of 2023. Staff supports either continuing a complaint-based program or implementing proactive process. The proactive program would eventually lead to all sidewalks being investigated over an extended period of time (15 to 20 years). **Staff would caution that the current backlog of complaints awaiting inspection will take time to work through before a proactive program would start. It is estimated that a year's worth of inspections already exist as the complaint backlog.**

Any subsidized program involves an increased administrative burden, especially where income eligibility is concerned. There will be additional burden on property owners as well to apply for any subsidized program.

City funded repairs could include Capital Improvement Plan (CIP) programs when reconstructing streets or other transportation infrastructure in a neighborhood. This could be an option to help expedite areas of the City that are in need of sidewalk repairs sooner. **The challenge with this option**

is it would begin to limit funding that is available to reconstruct the street transportation network as well.

There were many comments asking for infill of sidewalk in locations where it currently does not exist. Staff feels the Sidewalk Safety Program should focus on maintaining the infrastructure that is in place. A draft of the final plan for the Ames Walk Bike Roll program will be presented to City Council very soon and is a better fit for consideration of those infill/new sidewalks.

Once Council provides direction, staff plans to assemble the changes and publish the adopted standards on the City's website so they are more easily accessible to the public.

ATTACHMENT(S):

[Sidewalk Safety Program FINAL Staff Report January 23, 2024 w attachments.pdf](#)