



Memo

Date: June 30, 2020
To: Seattle City Councilmembers
From: Sam Zimbabwe, Director, Seattle Department of Transportation (SDOT)
Ross McFarland, Sidewalk Repair Program Manager
Trevor Partap, Pavement Engineering Manager
Susan Byers, Pavement Engineering and ROW Crew Construction, Division Director
Subject: **Response to Section 1 of Resolution 31908 re: Sidewalk Repair Policy Report**

In October of 2019, Council passed [Resolution 31908](#), sponsored by Councilmember Herbold, which requested that the Seattle Department of Transportation (SDOT):

1. Develop policy options for maintenance of existing sidewalks;
2. Create a public education program on snow and ice removal; and
3. Develop a program to enforce snow and ice removal requirements on private property owners.

SDOT responded to Sections 2 and 3 of the resolution in January. This memo and attached report provide our response to Section 1 of the resolution regarding sidewalk maintenance, which reads as follows:

The City Council requests that the Seattle Department of Transportation (SDOT) prepare a report of options for new sidewalk maintenance policies and programs. The report shall include, but is not limited to; an assessment of strategies to implement an equitable cost sharing program including an evaluation of the City of Denver's program; options for do-it-yourself maintenance and hiring an approved contractor; point of sale and lien options; a policy scan of other options; and a plan for community outreach. The report should include a recommended course of action and any proposed legislation necessary to implement the recommendations. The City Council requests that SDOT submit the report in writing to the City Council by March 31, 2020 for review and subsequent legislative action.

Over the last six months, SDOT worked with a team of graduate consultants from the University of Washington Evans School of Public Policy & Governance to provide a thorough and independent analysis of alternative sidewalk repair policy pathways, potential strategies for an equitable cost sharing program, and recommendations for possible new policy direction in Seattle. The Evans team's final report is attached. The report contains six primary recommendations which would require action from Council and SDOT, and in some cases would require staffing and funding resources, to effectively implement. Below is an overview of Seattle's current sidewalk repair approach, followed by a summary of the report recommendations and key findings.

Current Seattle sidewalk repair approach

Like many American municipalities, sidewalk repair in Seattle is generally held by code ([Seattle](#)

[Municipal Code 15.72](#)) to be the responsibility of the abutting property owner. Property owner responsibility for sidewalk maintenance is authorized under state law ([RCW 35.69.020](#)) and is standard practice for cities across Washington. Cities also have a responsibility to provide transportation infrastructure that is reasonably safe for ordinary travel, and SDOT's current sidewalk repair approach attempts to maximize safety with limited resources for repair or enforcement.

SDOT's Sidewalk Repair Program oversees the maintenance of the City's sidewalks and curbs and attempts to provide safe and accessible sidewalks by:

- Investigating concerns of ADA inaccessible sidewalks.
- Implementing temporary mitigation measures, as needed. These include painting the sidewalks to alert users to existing issues, placing asphalt shims, beveling sidewalk uplifts, or closing sidewalks as a last resort.
- Determining repair responsibility (i.e. adjacent property owner, City, utility, or other entity with permitted infrastructure in the right-of-way).
- Permanently repairing sidewalks when it is determined to be the City's responsibility (such as when sidewalks are damaged by city-owned trees) and budget is available.
- Issuing notice to property owners or other entities when it is their responsibility. Due to limited staff resources, prioritizing notices for locations with the most damage and highest pedestrian demand.

Under SMC 15.72, SDOT can direct the property owner to repair sidewalk distress along their frontage. If the property owner does not make the repair, the City can make the repair and place a lien on the property to recover its costs, which requires Council action for each property. This lien option has not been used in recent memory.

Currently, the City of Seattle has no provision or authority to subsidize the cost of repairing sidewalks for low-income property owners. In addition, Seattle only allows full sidewalk panel replacement when a property owner must repair their sidewalk, rather than temporary mitigation measures such as asphalt shims or grinding/beveling.

Seattle has over 2,300 miles of sidewalk (34,000 blocks of sidewalk) with a total replacement value of over \$5.6 billion (in 2015 dollars). The current citywide sidewalk repair and obstruction removal need is estimated to range from \$500 million to \$1.3 billion. Sidewalk maintenance funding varies from year to year but typically ranges between \$1.5 and \$5 million per year. SDOT has prioritized installing shims and bevels to address trip hazards, which does not address the underlying sidewalk replacement need. More capital-intensive sidewalk repairs are done on a spot basis and in conjunction with other SDOT capital projects.

Key report findings

- Sidewalk construction in Seattle has historically been privately financed through Local Improvement Districts or through redevelopment of adjacent parcels. The City has never had adequate funding or a workable enforcement mechanism to manage ongoing sidewalk repair after initial sidewalk construction.
- Property owners are often unaware of their sidewalk maintenance responsibility and trip/fall liability exposure. Even when aware, the sidewalk repair cost usually exceeds the incentive for private property owners to make the necessary repairs. In addition, current permitting

processes and external contractor procurement can be complex and difficult to navigate for a typical property owner.

- Cities in North America typically take one of two primary approaches to sidewalk maintenance:
 1. City-managed repairs with a dedicated funding source (e.g. Boston; Vancouver, BC)
 2. Property owner repair responsibility with City-led enforcement (e.g. Seattle, Denver)
- The COVID-19 pandemic has demonstrated how critical safe sidewalks are for everyone to be able to walk and roll around Seattle to access basic services and maintain physical and mental health.

Sidewalk repair policy report recommendations

1. Implement a citywide 5-year sidewalk shim/bevel plan as a first step to mitigate existing sidewalk uplifts and other deficiencies that can create accessibility barriers or trip/fall risks. This would require **an additional \$3 – \$4 million per year**, on top of the current annual sidewalk shim/bevel budget (which is a subset of the aforementioned SDOT sidewalk maintenance budget).
2. Increase property owner awareness and education about sidewalk responsibilities, through citywide mailers, a social media campaign, and sidewalk contractor resources for property owners
3. Simplify the sidewalk repair permitting process, through online permitting portal implementation and more upfront repair guidance at the time a warning notice is issued
4. Institute an income-based cost-sharing program for lower-income property owners
5. Implement clearer enforcement methods, including amending existing RCW and SMC sections that require Council approval to enforce sidewalk repair liens on non-compliant property owners
6. Seek increased and stable funding for long-term maintenance of Seattle’s existing and growing sidewalk network

Next Steps

Through improved private property owner enforcement and permitting, along with greater City commitment to sidewalk repair funding and administrative resources, the ultimate goal is to improve the accessibility and state of good repair of our sidewalks so all Seattle residents and visitors can more fully participate in community life and equitably access opportunity and resources through walking and rolling.

Funding for these recommendations in the context of the City’s COVID-19 response and related revenue shortfalls will be a near-term challenge as SDOT seeks to address infrastructure challenges across the city. Seattle and many cities across the country face the daunting task of repairing existing sidewalk networks and maintaining accessible and safe pedestrian infrastructure. While often overlooked, sidewalks are one of the most fundamental parts of our built environment. We want to ensure Seattle sidewalks are accessible to all, well maintained for future generations, and provide the backbone of an equitable, climate-conscious, and resilient multimodal network. **We look forward to both budgetary and policy support from Council that will allow us to move forward with the recommendations contained in this report.**