

Staff Report

SIDEWALK SAFETY PROGRAM

January 23, 2024

BACKGROUND:

At the November 28, 2023 meeting, the City Council requested that the Sidewalk Safety Program be reviewed at a future meeting. This program includes standards for the acceptable state-of-repair for sidewalks, including criteria such as displacement (heaving), crack widths, and spalling. Sidewalk sections that are out of compliance are required to be repaired or replaced in accordance with the program's requirements.

Ames Municipal Code, Section 22.1 states: "**The abutting property owner shall maintain sidewalk, parkings, and all other property outside the lot and property lines and inside the curb lines upon the public streets [...]**". This Similar language regarding maintenance responsibilities is found in Iowa Code 364.12, c.

The current standards applied by the City are based on the Public Right-of-Way Accessibility Guidelines (PROWAG). The PROWAG standards are developed by the U.S. Access Board to ensure compliance with the Americans with Disabilities Act (ADA) of 1990. The City requires that sidewalks not exhibit any of the following:

- Vertical displacement greater than 1/4"
- Horizontal displacement (gaps) greater than 1/2"
- Holes greater than 1/2" in diameter
- Spalling of more than 50% of the surface area at a depth of 1/4" or more
- 2 cracks greater than 1/8" wide

Any sidewalk panel out of compliance must be repaired (if permitted for the nature of the defect) or replaced. Compliance is monitored on a complaint basis, and property owners have 90 days to address non-compliant panels.

Effective October 2023, the US Access Board adopted a new rule which clarifies that the PROWAG guidelines do not address existing pedestrian facilities, unless the pedestrian facilities are altered at the discretion of the governing agency. Therefore, PROWAG is to be used as an installation standard, not a maintenance standard. The City still remains able to enact local standards for inspection and maintenance of existing pedestrian facilities such as sidewalks, but is not obligated to ensure existing sidewalks are maintained at the same level as newly constructed sidewalks.

Staff has reviewed requirements in other communities in light of this clarification at the federal level. Following this analysis, staff is proposing the following modifications to the City's Sidewalk Safety Program (attached):

REPAIR OPTIONS:

Resident feedback indicates a key concern is the options available to repair a defect. Staff reviewed options for all types of sidewalk defects and is proposing a wider range of acceptable repair options. The repair options vary in their effective lifespan and cost. For example, a complete sidewalk panel replacement may last decades, while patching a small area (if appropriate for the noted defect) may only last a year or two. However, the patching repair would be at a fraction of the cost of the complete replacement. These options allow residents the ability to choose a solution that fits the requirements of the sidewalk safety program at a wider range of repair costs.

DEFECT STANDARDS:

The proposed standards with categories of sidewalk defects mirror closely the practices of many of the comparable communities shown in the list at the end of this report. While differences remain amongst Ames and the other municipalities, the proposed standards do align closer with many similar communities. It should be noted that the proposed inspection standards will result in areas where defects may have been marked under the previous standard,s but would not be marked now. Also, additional repair options are now available. These changes are necessary, due to the PROWAG requirements being recently published.

INSPECTION PROCESS

Sidewalk safety inspections will continue to be triggered by complaints. However, one provision noted in the proposed standards is that the City reserves the right to inspect any sidewalk at any time. While it will continue to be standard practice to investigate sidewalk complaints at addresses that are reported to the City, staff will use the provision to inspect other nearby sidewalks only in limited circumstances that pose an immediate safety hazard.

Prior to notifying property owners of sidewalk defects, City staff will investigate upcoming CIP and maintenance projects that may have an impact on sidewalks in the area during the next 12 months. If a project is under development which will include replacement of this section of sidewalk, staff will incorporate the repair with the CIP project rather than requiring the homeowner to make the improvements.

COMPLAINT-BASED INSPECTIONS:

Complaint-based inspection has been one of the most common concerns expressed to staff by the public. Many feel this process can unfairly pit one neighbor against another, or that an individual or group could target certain neighborhoods or groups of neighbors. The Ames on the Go app has gained popularity with the ability to quickly report and receive feedback regarding issues. The Ames on the Go app does allow for anonymous and unregistered user reporting. Anonymous reporting can be disabled in Ames on the Go if desired; however, due to the intended social nature of the app, the complainant information would be publicly displayed.

There has been a dramatic increase in sidewalk complaints in calendar year 2023, as illustrated in the table below. In October and November of 2023 alone, there were 363 sidewalk reports submitted anonymously through Ames on the Go. Staff has deferred action to inspect these complaints, pending this City Council discussion.

Calendar Year Sidewalk Repair Requests								
2015	2016	2017	2018	2019	2020	2021	2022	2023
28	3	76	60	94	27	85	90	667*

**includes 363 reports waiting to be inspected*

It should be noted that there are currently 49 locations that have been inspected and posted with a repair notice based on the current standards. Staff revisited these locations utilizing the proposed draft standards and found that 48 of those locations would still require repair.

OPTIONS:

The City Council could choose from several options regarding the standards to set for the Sidewalk Safety Program.

Option 1:

Make no changes. City staff would continue to inspect sidewalks based on the standards that are currently in place. Staff would begin to inspect the backlog of complaints as time allows during winter and early spring 2024.

Option 2:

Approve the revised standards as presented by staff. These new standards would be applied immediately, and subsequent inspections for sidewalk safety would utilize these new standards. There are 49 sidewalk locations that have been notified of the need to repair under the existing standards. Of this total, 48 would still require repairs under the proposed standards. However, additional repair options will be available for many of these non-compliant sections. Staff would begin to inspect the backlog of reports utilizing the new standards as time allows during winter and early spring 2024.

Option 3:

Modify the proposed sidewalk safety standards. Staff would make the Council's desired changes and these new updated standards would be applied immediately for subsequent sidewalk inspections. Staff would need to review how any changes affect the 49 existing locations and would begin to inspect the backlog of reports utilizing the new standards as time allows during winter and early spring 2024.

STAFF COMMENTS:

Sidewalks are the primary infrastructure for a walkable and accessible community. The sidewalk safety program is a vital tool to maintain this infrastructure in a safe and functional manner. Changes to PROWAG standards allow the City to adopt maintenance standards that differ from the standards for new installation of sidewalks. Staff believes the Sidewalk Safety Program could benefit from additional clarity in the standards and a wider range of repair options to allow for greater flexibility in compliance. Once the Council has decided upon the standards, staff plans to publish the adopted standards on the City's website so they are more easily accessible to the public at any time.

ATTACHMENT(S):

[Sidewalk Safety Program 2024.pdf](#)

[Sidewalk Safety Program Criteria Attachment.pdf](#)