

INVESTING *in* PLACE

It's time to Stop Trippin': City of Los Angeles Sidewalks Policy Brief

Date: May 2022

Where are we now: In November 2021, the Office of the Los Angeles City Controller released its [Repairing LA's Broken Sidewalk Strategy](#) report. In 2016, the City settled a \$1.4 billion class action lawsuit, commonly known as the "Willits Settlement," that determined the City's crumbling sidewalk infrastructure was not compliant with the Americans with Disabilities Act (ADA) and prevented people with disabilities from traveling and accessing opportunities in Los Angeles. This legal action led the City to develop the "Sidewalk Repair Program," which as of today is the only program for sidewalks in the City. This City Controller's most recent audit provides an update on the City's progress in fixing sidewalks that need repair.

There are an estimated 9,000 - 11,000 miles of sidewalks in the City of Los Angeles, but no one is really sure. One of the biggest hurdles in the City's Sidewalk Repair program is that "the City does not know how many sidewalk locations need repair and how much the repairs will cost." A comprehensive sidewalk condition assessment [was deemed too expensive](#) when raised during policy discussions in 2012. Few infrastructure networks of this magnitude truly lack an actionable assessment of need and an investment program.

From July 2016 to January 2022, the City's Sidewalk Repair Program has fixed 120 miles of the estimated 5,000 miles of broken and inaccessible sidewalks. The pace at which the City is moving to fix, repair and improve access to the City's sidewalks is incredibly slow, and the \$30 million dollar yearly minimum investment required by the Willits Settlement is not even close to sufficient given the fact that this core element of the City's public right of way has not seen a significant infrastructure investment since the 1970s. For reference, Angelenos have submitted more than 61,000 requests for sidewalk/access issues via 311 since August 2015, and almost all are still pending fixes.

What funding is available for sidewalks and access ramps:

- Prop A Local Return;
- Prop C Local Return;
- Measure R Local Return;
- Measure M Local Return;
- Infrastructure Investment and Jobs Act (IIJA);
- Community Development Block Grants (CDBG);

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- TDA Funds (City of LA Local Transportation Fund);
- Road Maintenance and Rehabilitation Fund;
- Gas Tax Fund, including the Surface Transportation Program; and
- General Fund.

Some sidewalk and access ramp repair/construction can also be accomplished as part of a larger project or is the responsibility of the adjacent property owner. This increases potential funding sources in select situations. For example:

- The Los Angeles Department of Water and Power (DWP) is responsible for maintaining ADA compliant sidewalks and ramps adjacent to their property. Thus, DWP funds can be used to repair sidewalks and ramps adjacent to their property.
- When private developers build something new, they could be required to ensure that sidewalks and access ramps adjacent to their property are compliant; and
- ADA compliant sidewalks and access ramps can be purposefully included in other capital projects, including those where grant funds are sought (i.e. Safe Routes to School, ATP, Metro MAT, 710, Affordable Housing Sustainable Communities, INFRA, Federal and State earmarks).

What is the City's current approach to sidewalks and crosswalks? The City of Los Angeles currently does not have a sidewalk program, and it has not had a sidewalk program since the 1970s. The only citywide work being done on sidewalks, crosswalks, access ramps, and curb ramps is a result of the Willits Settlement.

“Filed against the City in 2010, the Willits class action lawsuit alleged disability rights violations based on the poor condition of sidewalks and other pedestrian infrastructure. The case resulted in a historic settlement agreement that was finalized in 2016. The Willits settlement requires the City to expend \$1.37 billion over 30 years to address broken sidewalks, inaccessible curb ramps, and other barriers to access in the pedestrian public right-of-way (PROW). Any work performed by the City's Sidewalk Repair Program must comply with disabled access standards to be eligible for the Willits settlement annual commitment.”
Office of the City Controller, November 2021 Audit

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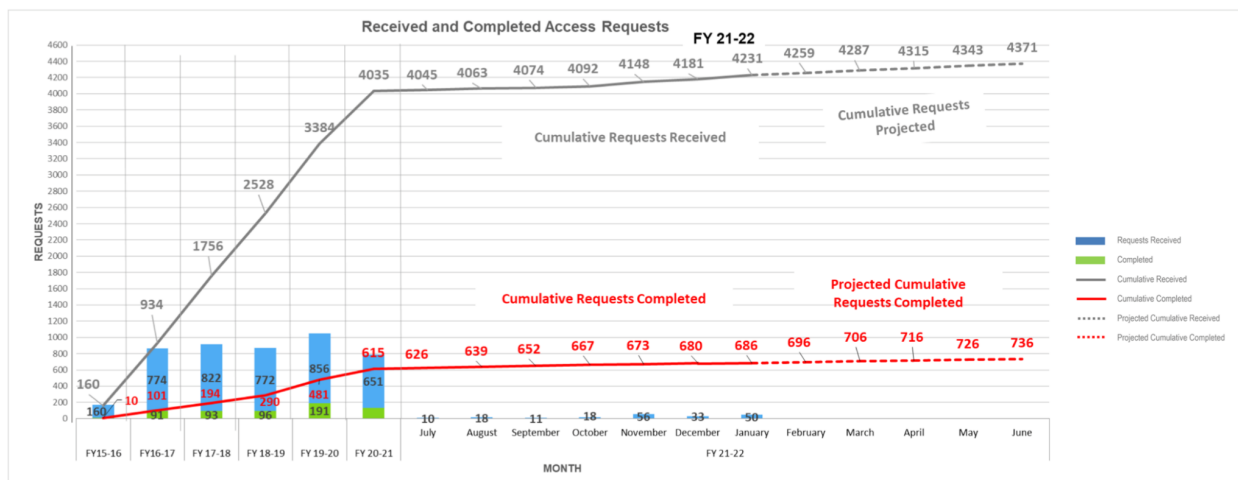
The settlement requires an annual investment of a minimum of \$31 million for the first five years to:

- Install, repair, and upgrade curb ramps;
- Repair sidewalks and walkways damaged by tree roots;
- Repair broken or uneven pavement; and
- Correct non-compliant cross-slopes in sidewalks.

*The settlement does not require any new construction of sidewalks. We have heard frequently from community members that don't even have sidewalks in their neighborhood about the lack of sidewalk construction especially in the San Fernando Valley. The City has no plans to build new sidewalks citywide.



Access Request Program



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The Sidewalk Repair Program has three program categories:

- **Sidewalk Access Repair Program:** Requests made by people with disabilities.
- **Rebate Program:** Property owners willing to pay for their sidewalk and eligible for rebate.

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- **City Facilities Program:** allows the City to fix sidewalks adjacent to City properties.

The Sidewalk Repair Program also included

- a “**Fix-and-Release**” Policy, which meant that after the city fixed the sidewalk, responsibility for future maintenance would fall on adjacent property owners. ([March 2016 LA Times article](#))

The 2021 Audit and presentations at the City’s Sidewalk Advisory Committee have documented the slow pace of work of the Sidewalk Repair Program, with key findings such as:

- **Sidewalk Access Repair Program:** The Sidewalk Access Repair Program is a 20% annual set-aside (of the City’s minimum annual investment of \$31 million per the Willits settlement) for sidewalk repair funds to directly address disabilities access requests. Through the Access Repair Program people with disabilities may submit requests for access repairs such as curb ramp installations and tree root fixes along specific paths of travel.
 - **Status:** 686 sites repaired out of 4,181 requests received since the program started (as of Jan 2022)
 - 73.3 miles of sidewalk out of estimated 4,000 miles of sidewalks broken or inaccessible.
 - 503 curb ramps repaired/installed
- **Rebate Program:** The Rebate Program rewards property owners who pay for their own sidewalk repairs with a private contractor with a monetary rebate. Property owners must apply to the City in order to participate in the program, then pay for their own repairs. Once certified by the City that the repairs are ADA-compliant, the property owner then receives the City’s valuation for the repair, up to \$10,000.
 - **Status:** The City has only issued 538 rebate checks for the 4,451 rebate applications received as of June 2021. On average, a successful application will take approximately 355 days from the submission of their request, to the mailing of the rebate check. In addition, approximately 50% of applicants had their applications canceled due to either a missed deadline, withdrawal, or inactivity.
- **City Facilities Program:** The City Facilities Program allows for the repair of sidewalks, curb ramps, or other pedestrian facilities at City government offices and facilities, including pedestrian

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rights-of-way adjacent to facilities owned or operated by the City and the paths of travel leading to primary entrances.

- **Status:** The Bureau of Engineering Reports that there could be up to 2,700 council-controlled City facilities that may need sidewalk repairs. From the start of the Willits compliance period in July 2017 through September 2021, the Sidewalk Repair Program has completed sidewalk repairs at only 60 of these City facilities.
- **Fix and Release:** The City’s “Fix and Release,” policy is that the City completes repair work and then issues a sidewalk certificate of compliance, along with a limited warranty to the adjacent property owner’s duty to maintain the sidewalk. The audit also states, “It should be noted that the current fix and release policy does not alter the City’s liability for sidewalk injuries under state law.”
 - **Status:** As of the end of June 2021, the Bureau of Engineering (BOE) had issued only 4,879 certificates – which represent less than one percent of the 640,000 sidewalk parcels in Los Angeles.”

The 2021 audit also documented the ongoing liabilities and payouts: “The City’s problematic relationship with sidewalks is magnified by years of neglect and confusion over who is liable for maintenance. In the last five fiscal years alone, the City received more than 1,700 claims and 1,020 lawsuits for sidewalk injuries, and paid out over \$35 million in settlements as a result.”

The audit also notes that the Sidewalk Repair Program excludes basic sidewalk maintenance concerns, such as missing sidewalks. The audit found that “there are an additional 50,000 reports of sidewalk problems not being addressed by Willits settlement repair work.”

Overall, the November 2021 audit provides several recommendations to improve how Los Angeles fixes its sidewalks. Key recommendations include:

- Invest in a Citywide assessment and create an inventory of all the sidewalks and access ramps;
- Pursue additional funding to address the mounting backlog of sidewalk requests;
- Changing inspection criteria to identify significant defects in need of repair, instead of assessing entire parcels for compliance (*Fix and Release*);
- Giving higher prioritization to non-City properties; and

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- Implement long-term solutions to expand the City’s approach and maintenance of sidewalks and access ramps beyond the Willits Settlement Sidewalk Repair Program.

What is happening now? In response to the City Controller’s Audit, [motion 21-1469](#), authored by Councilmembers Blumenfield, Bonin, Raman, and Rodriguez was introduced in early December 2021 and adopted by City Council on February 2, 2022.

The final adopted motion:

- Requested a budget and scope for a citywide sidewalk inventory
- Requested the Mayor’s office to including funding for staffing and the sidewalk inventory in the FY23 budget
- Requested the City Administrative Office (CAO) to report back by mid-April 2022 on the availability of funding from the IJA or other sources that couple be applied to the city's sidewalks programs

What are we recommending? Investing in Place has been calling for a sidewalk inventory [since 2015](#). **Changes to the City’s Sidewalk Repair Program are sorely needed and long overdue.**

Investing in Place calls for LA to commit to :

- Funding a professional inventory of sidewalks;
- Eliminating the City’s Fix-and-Release policy;
- Include LADOT more closely with LADOT in the Sidewalk Repair Program led by the Bureau of Engineering (BOE) and Bureau of Street Services (BSS);
- A data-driven sidewalk maintenance prioritization program that prioritizes lower-income Angelenos of color, who are more likely to get around the City on foot;
- Allocating funding from the federal Infrastructure Investment and Jobs Act towards our sidewalks; and
- Adequately funding and staffing the sidewalk inventory/assessment for FY23.

TIMELINE

1970s: The City of Los Angeles took on financial responsibility for sidewalks damaged by trees. Within a few years, the City ran out of dedicated funding

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to repair sidewalks and stopped making repairs and installing accessibility fixes.

2005: Then-Councilmember Bernard C. Parks proposed that City Hall shift the cost of sidewalk repair to private property owners, by making any needed repairs a requirement for a home sale. That so-called “point of sale plan,” drew opposition from the real estate industry.

2010: Communities Actively Living Independent & Free (CALIF) and disability rights advocates decided sue the City based on the disrepair of sidewalks

2012: City of Los Angeles considers 3 year sidewalk inventory and bond measure that would require property owners to tax themselves to cover sidewalk repairs. Ultimately, the City Council dismisses the idea to fund a sidewalk inventory as too costly.

2014: CAO Office recommends a half-cent sales tax measure to raise \$4.5 billion for streets in LA, including \$640 million for sidewalk repairs, however City Council pulls the measure in favor of Measure M, the countywide transportation and infrastructure sales tax ballot.

2016: The Willits class action lawsuit is settled, after being filed against the City in 2010. The lawsuit made the case that pedestrians faced disability rights violations based on the poor condition of sidewalks and related infrastructure. The case resulted in a historic settlement agreement, led by partners in the disability advocacy community such as CALIF, that was finalized in 2016. The Willits settlement requires the City to expend \$1.37 billion over 30 years to address broken sidewalks, inaccessible curb ramps, and other barriers to access in the pedestrian public right-of-way (PROW).

2016: The City develops the “Sidewalk Repair Program,” as it begins to implement the Willits settlement. This includes adopting a fix-and-release policy that would fix sidewalks and then hand off sidewalk maintenance responsibility to the property owner

2016: Los Angeles County voters pass Measure M sales tax measure. Investing in Place and other advocates fought to ensure eligible funding for sidewalks and crosswalks.

2017: The Safe Sidewalks LA Citizens Advisory Committee recommended that sidewalk repair prioritization should prioritize sites within 500 feet of the City’s Vision Zero High Injury Network (HIN). This criteria would then be blocked by a City Council committee.

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2018: LA City Council approves criteria for prioritization for Willits Settlement, including reinstating HIN prioritization and considering first/last mile connections to Metro.

2020: As of December 2020, Public Works releases 4,500 Fix-and-Release certificates, less than 1% of parcels with sidewalks.

2021: The City Controller's Office released an audit stating that sidewalk repairs have taken too long and has not adequately tackled the backlog of broken sidewalks. The audit recommends investing in a citywide sidewalk assessment, pursuing additional funding to address sidewalk repair, changing the prioritization system so that non-City facilities have higher priority, and more.

2022: City Council responds to audit by approving [motion](#) that asks City for recommendations for improving sidewalk programs, identifying scope and budget for citywide sidewalk inventory and assessment, identifying if federal infrastructure bill funding, as well as adequately funding sidewalk assessments for FY23.

There will be a City interdepartmental memorandum of understanding for work in the public right-of-way, formalizing what individual departments, bureaus, and programs are working on to facilitate sharing of information between entities.

Potential Resources:

- YouTube Video we made:
<https://www.youtube.com/watch?v=SlzLC-oi6nM>
- 2018 one pager
<https://investinginplace.org/wp-content/uploads/2017/02/liP-Sidewalks101-Sheet.pdf>
- It's time to Stop Tripping:
<https://investinginplace.org/2017/10/18/its-time-to-stop-trippin-fixing-the-city-of-las-sidewalks/>
- Link recapping our Tripping Point Summit
<https://investinginplace.org/2017/06/15/las-at-the-tripping-point-organizing-advocates-for-better-lasidewalks-crosswalks-bus-stops-and-urban-tree-canopy/>
- Who Fixes LA Sidewalks? 2017
<https://investinginplace.org/2017/12/05/who-fixes-la-streets-and-sidewalks-a-quick-primer/>

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- 2017 Action Alert with good links
<https://investinginplace.org/2017/12/16/6-easy-steps-to-advocate-for-safe-and-accessible-lasidewalks/>
- Demystifying the Transportation Budgeting Process in the City of LA's Budget Documents
- https://investinginplace.org/wp-content/uploads/2020/06/Katherine-Stiegemeier_Capstone-Report-LA-City-Budget_6.1.2020.pdf
- CF 21-1469: Sidewalk Maintenance and Repair Program
https://clkrep.lacity.org/onlinedocs/2021/21-1469_mot_12-08-21.pdf
- Repairing LA's Broken Sidewalk Strategy
https://investinginplace.org/wp-content/uploads/2022/01/CF-21-1469-Sidewalk-Improvements-1_12_21.pdf
- Sidewalk Repair Program (2017)
https://investinginplace.org/wp-content/uploads/2017/02/Sidewalks-comment-letter-14-0163-S3_DEC2017.pdf
- Sidewalks Workgroup Weighs in on City of LA's Sidewalk Plan
<https://investinginplace.org/wp-content/uploads/2017/02/11-16-sidewalks-ltr.pdf>