

TRN-1.11 - Sidewalk Maintenance Program Policy & Operating Guidelines

SIDEWALK MAINTENANCE PROGRAM POLICY & OPERATING GUIDELINES

Administrative Rule Adopted by the Bureau of Maintenance

ARB-TRN-1.11

SIDEWALKS MAKE GOOD NEIGHBORHOODS

Sidewalks have a way of tying together a neighborhood. Realtors will attest that where sidewalks are good, the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes; recreation space for joggers, children with tricycles and pull toys; an informal meeting place for neighbors; and an encouragement for people to make more use of the most basic form of transportation â€” walking.

Be proud of your sidewalks. Take care of them and enjoy them.

TRADITION OF GOOD SIDEWALKS

When Portland was established many years ago as a frontier settlement on a muddy riverbank, one of the first concerns was to begin a system of sidewalks. Even then, the townspeople wanted to walk from one place to another without wading through mud, tripping over rocks and roots, or dodging horses and wagons.

The earliest sidewalks were rough-sawn planks â€” low in cost, but requiring continual replacement due to wear and weather. When permanent concrete walks replaced the wooden ones, they were hailed as a major milestone in Portlandâ€™s emergence as a city.

Sidewalks remain today one of the Cityâ€™s great assets. Experience has shown, however, that even concrete needs occasional maintenance to keep it safe and useful. To ensure pedestrian safety and convenience, the City of Portland has established a Sidewalk Maintenance Program to identify hazardous conditions and ensure timely repair.

PROGRAM GOAL

The objectives of the Sidewalk Maintenance Program are to:

- Protect the general public from injury by identifying hazards and ensuring their timely repair.
- Protect the general taxpayer from the expense of liability claims due to personal injury.
- Protect individual property owners by notifying them that a hazardous condition exists and assisting with correction of that hazard.
- Protect the general publicâ€™s investment in the transportation system, which includes sidewalks, corners, and curbs.
- Manage the maintenance of sidewalks, driveways, and curbs in a way that protects street trees and other desirable vegetation whenever possible.

LEGAL AUTHORITY

The City Charter, adopted by a vote of the people, establishes basic guidelines for sidewalks and curbs. The City Code, adopted by ordinance of the City Council, sets specific requirements for sidewalks and curbs. Both the Charter and Code sections pertaining to sidewalks, driveways, and curbs, are included in Appendix A.

OPERATING POLICY

To assure that the Sidewalk Maintenance Program meets its intended goals, the Sidewalk Posting and Repair Program operates in accordance with a set of operating policies, which have been developed to define and control the direction and scope of the program. The operating policies are as follows:

- To ensure pedestrian safety, all neighborhood sidewalks are inspected once every 20 years, and sidewalks in the Central Business District are inspected once every 5 years.
- To assist the property owner, repair alternatives are outlined, when applicable, to remove posted hazards in the most economical method.
- To allow the property owner adequate time to make repairs, a minimum of 90 days will elapse before City crews begin work. If hazards are extreme or there has been a trip and fall, the property owner will be given 20 days to begin repairs.
- To ensure the property owner is aware of the Cityâ€™s intent to begin repairs, a final written notification is given, "Notice of Un-repaired Posting", at least 10 days prior to the start of the work. This letter is not sent on 20 Day postings that have expired.
- Requests for time extensions are investigated and when just cause exists, an extension is granted. Should repairs be needed in the Central Business District (CBD), the CBD coordinator needs to be contacted 5 days prior to beginning work at

503-823-7077. The CBD boundaries are from NW Glisan Street on the north, SW Market Street on the south, Naito Parkway (Front Avenue) on the east, SW 18th and NW 20th Avenues on the west.

TREES

Trees are another one of the City's greatest assets. To ensure that the trees are not damaged due to root removal or injury, the operating policy follows:

-If tree roots are found in the city right-of-way during the repair of sidewalk, driveway, corner, or curb, and could possibly be damaged by the repair work, it will be necessary to contact the Urban Forestry Division (503-823-4489) to request a root inspection. The City Forester will attach a root inspection card to a barricade on the job site with the inspection results. Root inspection reports made at other posted properties are faxed to the Sidewalk Repair Office where they are filed with corresponding posted property files.

-When repairing sidewalks adjacent to trees, 4' x 4' square tree wells will be maintained. Tree wells may be modified when necessary to maintain a minimum clearance of 5 feet for pedestrian passage in neighborhoods and 6 feet in the CBD and high pedestrian areas.

-When repairing sidewalks damaged by roots the following actions may be taken to prevent root damage:

-Radius Blockouts - The width of the sidewalk is reduced where roots have encroached into the sidewalk area. This will also leave room for root expansion when Urban Forestry will not allow roots to be cut or removed.

-Reduced Sidewalk - Sidewalks may be reduced by 1 foot if necessary for a 6' wide sidewalk, in cases where roots are encroaching into the sidewalk area and Urban Forestry will not allow roots to be cut and removed.

-Ramp Over Roots - When roots are not allowed to be cut and removed as determined by the Urban Forester and/or when the depth of concrete over the roots will be less than 4" deep. This action may require additional walk to be removed so that ramp slopes are gradual and meet American Disabilities Act (ADA) requirements.

-Drop Curbs (Asphalt Berms) - When trees and/or tree roots push portions of the curb into the street. Drop curbs allow flexibility for trees and/or roots while maintaining drainage and will be used where appropriate.

Contact the Urban Forestry Division (503-823-4489) prior to any root cutting or removal. Damages will be the property owner's responsibility. Whenever possible, accommodations will be made to protect and preserve trees.

POSTING PROGRAM

The goal of the Sidewalk Posting Program is to identify pedestrian hazards and assist the property owner with the repair process. To accomplish this goal the residential sidewalks are inspected once every 20 years. The Central Business District (CBD), where pedestrian traffic is heavy, is inspected once every 5 years. Inspectors are primarily looking for things that cause people to trip and fall, such as "stub toes" where the sidewalk is raised. Other hazards may include holes, spalled or chipped areas, wide cracks, deterioration, and areas that are damaged by tree roots.

To assist the Inspectors in the identification of hazards, guidelines have been established for consideration in posting concrete sidewalks. The posting guidelines apply to the city street right-of-way where there are sidewalks, driveways, carriage walks, curbs, and set back areas, behind the sidewalk and driveway area, that have been improved with concrete, asphalt, or bricks. The posting will identify the hazard and the area needing to be replaced to ensure a good and substantial repair. The posting guidelines are as follows:

Stub Toes (Step Separation-Elevated Grade)

All "Stub Toes" latitudinal as well as longitudinal in the city right-of-way that are hazardous shall be posted for repair.

A guideline of 1/2 inch rise for all sidewalk areas will be used in determining if a stub toe is hazardous.

Openings(Holes, Wide Cracks, Concrete Separations)

All openings in the city right-of-way that are considered hazardous shall be posted for repair. **A guideline of 1/2 inch width and 1/2 inch depth will be used in determining if an opening is hazardous.**

Spalled/Chipped Concrete

Spalled sidewalks, where the concrete is chipped to the point of creating a trip hazard shall be posted for repair. **A guideline of 1/2 inch width and 1/2 inch depth will be used in determining if a spalled area is hazardous.**

Raised Sidewalk

Raised sidewalk shall be posted when the raised area is hazardous. **A guideline, that the uppermost point of the raised area being greater than 4 inches from grade, shall be used in determining when a raised sidewalk is considered hazardous.**

Sunken Sidewalk

Sunken sidewalk shall be posted when it causes a trip hazard and/or the sunken area will hold water. (A slip hazard would be created when the water turns to ice.)

Driveway Approaches

Where less than half of the driveway approach is defective or hazardous, only that portion will be considered. If more than half of the driveway approach is hazardous or where less than full repairs would produce a hazard, it will be necessary to post the entire driveway approach for replacement. Entire driveway approach replacement will conform to current standard plans and ADA specifications.

Unused Driveway Approaches

All driveway approaches are constructed under a revocable permit and shall be posted for closure if permanently unused or hazardous. Permanently unused driveway approaches not serving legal maneuvering space on a property, as set forth in planning codes may be closed. Examples are driveways blocked by fences, walls, landscaping, or driveways to illegal parking areas in yards.

Root Damage at Adjoining Properties

Where a tree root has lifted the sidewalk at the property line, both properties will be posted to maintain grade. Both properties are posted because repairing only one property would create a stub toe at the property line. Each posting would have a notation about the adjoining property. To maintain quality of work, the properties should be repaired together but could be repaired separately by installing a transition area.

Tree Wells

Hazards found in and around tree wells will be posted for repair. Empty tree well locations will be referred to the Urban Forestry Division for follow up with the adjacent property owner.

Bolts in Sidewalk

Traffic sign bolts and bases in the city right-of-way will be referred to the Traffic Maintenance Section to install missing signposts or eliminate the hazard. Hazards found around city installed bike racks will be referred to the Structures Section for repair. The adjacent property owner will not be charged for this work.

Corners

Guidelines for posting and replacement of corners shall be the same as the guidelines used for sidewalks and driveways. City corners installed by city crews will comply with ADA specifications.

Historical dates in existing corners will be preserved whenever possible or re-stamped with the addition of the current year, i.e. 1933/2004. Existing historical street names will be re-stamped.

Curbs

Sidewalk Inspectors will identify curbs that need replacement during routine inspections. Curbs will be posted when they present a hazard, are generally in a deteriorated state, or no longer will facilitate or control drainage.

Curbs are the property owner's responsibility to repair when they are in combination with the sidewalk and/or have been damaged by tree roots or willfully damaged (driven on, etc.) in accordance with city Code 17.52.040, Appendix A "Title 17.

Curbs that are separated from the sidewalk with a parking strip/planting area, and that have not been willfully damaged, will be maintained by the City's Sidewalk Maintenance section at no cost to the property owner.

Understanding the importance of curbs for drainage control and street preservation, trees and tree roots will be protected and left undisturbed whenever possible. The Urban Forestry Division will be contacted for a root inspection if necessary after the curb has been excavated. Drop curbs will be utilized when appropriate to protect trees and tree roots.

Existing horse-rings are considered historical and will be replaced during curb repair projects.

Pole Patches, Utility Boxes

Pole patches and utility boxes in the city right-of-way that are hazardous will be referred directly to the appropriate utility company.

Vaulted Doors

Vault doors that are considered hazardous will be posted for repair. **A guideline of a 1/2 inch stub toe, 1/2 inch opening, raised/sunken, or generally in a deteriorated and/or hazardous condition shall apply.**

TRANSIT MALL and LIGHT RAIL

The Transit Mall and similar areas where the pedestrian area is paved with brick are posted using the following guidelines:

Stub Toes in the Brick Areas

All "stub toes" latitudinal, as well as longitudinal, in the city right-of-way that are hazardous shall be posted for repair. **A guideline of a 1/2 inch shall be used in determining if the stub toe is hazardous.**

Openings in Brick

All openings or wide cracks in the brick or mortar that are hazardous shall be posted for repair. This is to include

missing mortar between bricks as well as missing bricks or partially missing bricks. **A guideline of a 1/2 inch width and 1/2 inch depth shall be used in determining hazards.**

Spalled/Chipped Bricks

Bricks that have been chipped causing a surface deformation that is hazardous shall be posted for repair. **A guideline of a 1/2 inch width and 1/2 inch depth shall be used in determining if deformation is hazardous.**

Loose Bricks

Loose bricks that are not bonded to the base and are hazardous shall be posted for repair. **Brick movement shall be the guideline in determining if the brick is considered hazardous.**

COMPLAINTS and SERVICE REQUESTS

Information received regarding hazardous sidewalk conditions in the city right-of-way at a specific location will be transferred to a Service Request form and given to a Sidewalk Inspector for investigation. The hazardous condition will be inspected within 24 working hours of the Sidewalk Maintenance Office having knowledge of the condition.

An Inspector will inspect, and post if necessary, the appropriate address(es). If the Service Request states that someone has tripped and fallen and/or the hazard is extreme, a **20 Day** posting is issued. The property owner will be given 20 working days to begin repairs. In addition, the Inspector will inspect the general area for hazards and post accordingly. A guideline for the "general area" is the block face involved with the initial complaint and the block face directly across the street.

AFFIDAVIT OF POSTING

Following the inspection of a property, if hazards are found, the Sidewalk Inspector creates a Sidewalk Repair Notice, stating the date of inspection, legal property description, a detailed diagram of the posted hazard(s), and a repair estimate based on full square replacement. The diagram will indicate areas for repair necessary to eliminate the hazard(s) based on full square replacement per city code. The diagrams will serve as the basis for city-made repairs. Property owners will be given a minimum of 90 days to make repairs before they are notified about City crews beginning repair work.

NOTIFICATION

Property owners will be provided with the original copy of the Sidewalk Repair Notice; a form letter outlining the Sidewalk Maintenance Program, repair options and guidance; "The Sidewalk Handbook" brochure; and the posting Inspector's business card. This information is mailed to registered owners of posted properties as shown on current county tax records. Should there be possible tree roots involved with the repair, Urban Forestry Division's telephone number will be attached to the Sidewalk Repair Notice.

Sidewalk Inspectors are available to schedule appointments and meet with property owners to identify and explain the specific reasons for the posted hazard(s). Using the established guidelines, the Inspector can assist the property owner by outlining repair alternatives so that the hazard may be corrected in the most economical method.

A copy of each Sidewalk Repair Notice is sent inter-office to City's Archives and Records Center where they are considered public record and available for contractors to view for mailing bid information.

Property Owner Repair

The property owner may eliminate posted hazards in the following manner:

(1) Remove whole squares to **full depth** and replace with concrete. Repair may be less than full square, but must be full depth. **Skin patching is not an acceptable repair method**, as it does not provide a good and substantial repair.

(2) Grinding of stub toes raised **1 inch or less** with the approval and guidance of the Sidewalk Inspector.

(3) If tree roots are the cause of the defect, the property owner must call the Urban Forestry Division (503-823-4489) prior to any root cutting or removal and before a form inspection can be approved. Damages to trees and/or tree roots are the property owner's responsibility.

Following the root inspection, it may be necessary to meet with a Sidewalk Inspector for a "form consultation" to discuss form work and tree roots. If tree roots are not allowed by Urban Forestry to be cut and removed, it may be necessary to excavate additional sidewalk or driveway to get the required thickness of concrete per city specifications over the roots and meet ADA requirements of 8% or less slope on raised sidewalks.

Contractor Repair

A contractor hired by the property owner may eliminate posted hazards in the following manner:

(1) All contractors are required to have a current license and bond through the Oregon State Builders Board. In cases that involve liability, the property owner has recourse through small claims court. Permits will not be issued to contractors with licenses that have an inactive status according to the Oregon State Builders Board computer records.

(2) Remove whole squares to **full depth** and replace with concrete. Repair may be less than full square, but must be full depth. **Skin patching is not an acceptable repair method**, as it does not provide a good and substantial repair.

(3) Grinding of stub toes raised **1 inch or less** with the approval and guidance of Sidewalk Inspector.

(4) If tree roots are the cause of the hazard, the contractor must call the Urban Forestry Division (503-823-4489) prior to any root cutting or removal and before a form inspection can be approved. Damages to trees and/or tree roots are the contractor's responsibility.

Following the root inspection, it may be necessary to meet with a Sidewalk Inspector for a "form consultation" to discuss form work and tree roots. Additional sidewalk or driveway may need to be excavated if tree roots are not allowed by Urban Forestry to be cut and removed.

City Repair (Includes repair work by contractor on behalf of the City.)

The City will repair posted hazards by removing and replacing whole squares to the proper depth per city code. A contractor working under an annual supply contract with the City's Sidewalk Maintenance Office may perform these repairs. This contract is awarded based on competitive bidding in accordance with policies and practices established by the Bureau of Purchasing and the City of Portland.

TIME EXTENTIONS

Requests for time extensions will be granted if reasonable cause exists. The following conditions may cause the Sidewalk Maintenance Office to grant extended time to property owners to make sidewalk repairs:

New Property Owner

When the previous owner did not disclose to a new property owner who acquired the property, following the initial sidewalk posting and posting information. These extensions are usually 90 days in length.

Legal Questions

When there are legal questions/matters concerning ownership, responsibility, property lines, etc., extensions may be granted until legal questions have been answered.

Plans for Construction/Remodeling

When the city right-of-way area of posted properties will be effected by construction and/or remodeling plans. In some cases, temporary repairs may be required before the extension is granted.

PERMITS

A **free** permit is available to encourage all property owners to make their own repairs or hire a contractor to make repairs. The permit will be issued to whoever intends to make the repair, i.e., property owner or contractor. Should there be possible tree roots involved with the repair, Urban Forestry Division's telephone number will be attached to the permit. This tree inspection sticker alerts the property owner and the contractor that tree roots must be inspected prior to any cutting or root removal. In addition, the affected sidewalk areas will be indicated on the diagram as "D" for tree damage. Following is an example of the tree inspection information:

TREE INSPECTION REQUIRED!

Contact the Forestry Division of the Park Bureau at 503-823-4489.

Once the concrete has been removed and the roots exposed,
a tree inspection **MUST** be made prior to any root cutting.

INSPECTION REQUIREMENTS

Form Inspection

A form inspection is required when posted areas have been excavated to proper depth, forms have been set, barricades or saw horses are in place, and all debris has been removed from the city right-of-way. When tree roots are involved, a root inspection is required to be made, and roots removed as approved by the Urban Forester prior to requesting a form inspection. The inspection insures that necessary lines and grades are correct, and that repair work is prepared and formed to meet city specifications and plans. Inspections will be made the following morning after the request was made excluding weekends and legal holidays. Form consultations can be requested when help is needed with form work around and over tree roots.

A notice will be posted to a barricade on site indicating whether or not the forms passed inspection. If a "Do Not Pour Concrete" card is issued, corrections will need to be made and another form inspection requested. The same time requirements apply as with the first request. Once an approved form inspection has been issued, "Permission Granted to Pour Concrete", you may proceed with pouring the concrete.

Final Inspection

A final inspection is required when the repair work has been completed, all forms are removed, and voids are backfilled with dirt and compacted to grade, and the job site has been cleaned up. A minimum of two days must elapse between the time the concrete is poured and the final inspection is requested. This prevents possible spalling of green/uncured concrete when forms are removed. Final inspections will be made the day after the request has been made, excluding weekends and legal holidays.

If repair work is found satisfactory, a notice will be left at the door, excluding businesses and rental properties, and the posting will be closed. If work is found unsatisfactory, a notice will be left at the door including the corrections to be made. Another final inspection will have to be requested. The same time requirements apply as with the first request.

RE-CHECK & MARK OUT

Prior to scheduling repairs to be made by City Contractors, all postings in the quarter section to be repaired, will be re-checked. If upon re-checking, it is found that the hazard has been inspected and completed, the posting will be closed.

Properties where the hazard has not been satisfactorily repaired will be marked out and scheduled for repair by private companies working on contract with the City (City Contractors). Additional hazards found may be marked out for repair.

INTENT TO REPAIR (10 Day Letter)

Prior to work by private companies working on contract with the City, all registered owners of property identified during the re-check and mark out, will be notified by mail of the City's intent to repair the sidewalk. The "Notice of Unrepaired Posting" letter is mailed a minimum of two weeks before the City contractor is scheduled to begin work in the area. It will state the approximate date that repairs will begin, and includes the approximate cost of the repair. This letter is not sent on 20 Day postings that have expired.

CITY REPAIR (City Contractor Repairs)

The goal of the Sidewalk Maintenance Program is to repair sidewalks, driveway approaches, corners, and curbs in the city right-of-way. Repairs are made to properties maintained by the City and when necessary, to posted properties where owners have failed to take action or owners have requested the City to make repairs.

To ensure a satisfactory and substantial repair, the city contractor will correct hazardous conditions by removing and replacing whole squares to full depth per city code. The work performed is guaranteed for a three year period unless the problem is caused by tree roots or willful damage.

Repair crews are scheduled to complete a posting cycle of the City once every 20 years in neighborhoods, and once every 5 years in the Central Business District. Scheduling in this manner allows concentration of the work to assure the most efficient and effective use of available resources. Work outside of the scheduled area is limited to repair of extreme hazards, 20 Day Postings.

REPAIR CHARGES

Repairs are contracted out through a competitive bid process. The repair amount is calculated to recover all direct costs and applicable overheads. The costs are figured in two ways: cost of jobs are calculated based on the rates set through competitive bid, and/or the cost will be calculated based on actual time and materials i.e. chip and patch work, vault work, and brick work. When repairs have been completed, information will be sent to the City Auditor who will prepare and mail a proposed assessment notice to the registered property owner.

The notice will have information regarding the total cost of the repair work, plus the City's assessment fee of 10% to cover costs of establishing and managing accounts.

APPEAL PROCESS

All disagreements and appeals for sidewalk postings, which cannot be resolved by the Sidewalk Inspectors, will be directed to the Inspector's Supervisor. The Supervisor will investigate all such cases and attempt to reach an agreement with the concerned parties.

If the disputed posting is clearly in error, the Supervisor will call for a re-inspection, cancel, or adjust the posting according to the findings. In the event the Supervisor fails to resolve the problem, the Operations Manager will investigate the problem and seek a resolution. The efforts to resolve the dispute will be fully documented and be used as evidence, should the dispute be filed as a remonstrance and be brought before City Council.

ASSESSMENT

Approximately twenty days after the date of the Proposed Assessment notice, the City will conduct a public hearing to consider the final assessment of sidewalk repair costs. After the hearing the City Auditor will mail a final assessment notice. Property owners will have thirty days from the date of the final assessment notice to pay or finance the final assessment. If the final assessment is not paid or financed by the thirty-day deadline, the City will add late interest, penalties and collection costs to the assessment. The current late interest rate is 12% per year.

The City Council places liens on properties to insure payment of the final assessment. If a property owner fails to payoff the assessment or make timely installment payments, the City may foreclose and collect the assessment through the sale of the property.

FINANCING

The City Auditor mails an installment payment contract with each final assessment notice. The contract describes the amount of the assessment, financing fees, the total loan amount, the options for making loan payments, and the terms and conditions of the loan.

The City's monthly installment plans are calculated like auto or home loans. Over time, the payment is made up of larger amounts of principle and smaller amounts of interest, based on the interest rate and term of the loan. A billing transaction fee will also be added to each installment. The present interim interest rate is 7.25%.

SENIOR CITIZEN DEFERRAL OF ASSESSMENT

The State of Oregon offers a program in which a Senior Citizen may defer paying a sidewalk repair assessment for as long as he or she owns and lives at the property that was affected by the repair work. Under this program, the State makes payments on the property owner's behalf. When the property is sold or transferred to a new owner, the State is repaid for the total of their installment payments plus simple interest of 6% per year.

To qualify, the applicant must be at least 62 years old, must own the property or be buying it under a recorded sales contract, be living at the affected property, and must have a household income of less than \$32,000 per year at the time the application is filed. More information about this program is included with the "Assessment Notice" or can be obtained by

calling the City Auditor's Office at 503-823-4090.

[Appendix A](#)

You may also download a PDF copy of the [complete document](#) .

HISTORY

Revised document filed for inclusion in PPD November 7, 2005. Document dated January 2005.

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