



Memorandum

To: Members of the Administration and Public Works Committee
From: David Stoneback, Public Works Agency Director
CC: Lara Biggs, City Engineer
Subject: Discussion on Sidewalk Improvement Program Changes
Date: June 28, 2021

Recommended Action:

Staff seeks direction on recommendations set forth below on modification and funding of the City of Evanston's sidewalk improvement program to incorporate improvements to livability, equity and the Climate Action Resilience Plan ("CARP") in Evanston.

Council Action:

For Discussion

Summary:

How are Sidewalks in Evanston Created in the First Place?

Historically, new sidewalks have been constructed by the City of Evanston (or by the developer of the property), while the maintenance (repair or replacement) is the responsibility of the adjacent property owner. This is supported by the City of Evanston code section 7-3-9.

What is the 50/50 Program?

The 50/50 sidewalk program is a voluntary program for replacing damaged sidewalk squares. Although maintenance and repair of sidewalks is the responsibility of the adjacent property owner, a policy decision has been made that the City will contract for replacement of individual deteriorated sidewalk squares and share the cost with the property owner, who is responsible for half of the cost. This program has been substantially unchanged for at least 40 years. For the last several years, the cost to the property owner has been approximately \$100 per typical sidewalk square (most squares are 5'-3" wide by 5'). Only small repairs are eligible. The typical repair at a single property is for 1-3 deteriorated squares. Areas where entire sections of sidewalk have settled causing flooding and winter icing are not addressed by this program, partly because it would require multiple property owners to agree to participate and partly because of lack of funding. Sidewalk gaps are not addressed. This program only replaces existing sidewalks and does not install new sidewalks where there is a sidewalk gap. The City

does not currently have a program for closing sidewalk gaps except under major reconstruction projects, which typically do not occur on residential streets.

How Much Does the 50/50 Program Cost and What Fund(s) Does the City Use to Repair / Create Sidewalks when a Community Member Agrees to Participate in the 50/50 Program?

The City issues approximately \$150,000/year of general obligation bond debt to cover the City's share of the contract cost, but often spends more, usually pulling additional funds from the Neighborhood Traffic Calming program, which is also funded by general obligation bond debt. Repairs cost on average \$250,000 per year. The City funds approximately \$180,000 of this amount and the remaining \$70,000 is paid by the community members who agreed to participate in the program. The majority of needed sidewalk repairs are because of damage caused by parkway tree roots. These are typically repaired at no cost to the property owner, but the program is so underfunded that the City does not make permanent repairs at such locations unless requested by the property owner or other community members.

The cost to replace an existing deteriorated sidewalk is \$11.50/ square foot based upon 2021 bid prices. On a 60-year life span for a sidewalk, without community member participation, the City would need to spend approximately \$1,600,000 annually to maintain the sidewalks. Currently, staff estimates that approximately 19 miles (7%) of all of the City's existing sidewalks (280 miles) are in need of replacement. The cost estimate to address the backlog of currently deteriorated sidewalks is \$6,000,000.

The cost to install a sidewalk where one does not exist (sidewalk gap) is estimated at \$23/square foot. This price includes additional work such as driveway repairs, tree removal, correcting grading issues and landscaping restoration. The 2009 Multi Modal Transportation Plan indicated that there are approximately 15 miles of sidewalk gaps. Therefore, staff estimates costs to infill all of these gaps (without community member participation) at approximately \$9,700,000. The City does not currently have a plan or program for filling in sidewalk gaps.

*Once a Sidewalk Issue Develops, What is the Process For the Sidewalk to Be Permanently Repaired?*The City of Evanston does not have a program for the regular inspection of the condition of the City's sidewalk. Instead, staff rely on community members to file 311 requests when the sidewalk has deviated enough to form a trip hazard or has fallen into a general state of disrepair. Once a community member is aware of the sidewalk issue, the following process is followed:

1. The City is made aware of sidewalk concerns primarily by way of a request filed in the 311 system, which gets assigned to the Streets Division of the Public Works Agency
2. The Streets Division assesses the site and completes a temporary patch. In most cases, the temporary patch is completed within 2-3 days. The request is then transferred to the Capital Planning & Engineering Bureau for inclusion in the sidewalk replacement program.
3. The adjacent property owner is sent information by Capital Planning staff explaining the 50/50 sidewalk program and inviting them to participate. The community members sign up for the program in mid-May and the sidewalks are replaced by the end of August.
4. If interested, the property owner marks the square(s) to be addressed and notifies the City of their interest

5. Once the sidewalk replacement contract is awarded by City Council and the cost per square is calculated, the property owner is sent an invoice for their share of the replacement cost
 6. If the property owner does not respond, City staff follows up to verify if they are still interested in participating in the program
 7. The property owner pays the invoice, verifying their participation
- This seven step process requires significant resources and time commitment for both community members and City staff. Property owners can also participate in the 50/50 program by calling 311 and making the request without first filing a complaint about damaged sidewalk.

How Many Calls/Claims Does 311 Receive Related to Damaged Sidewalks?

The City's 311 division receives two types of service requests for sidewalks: (1) individuals calling for maintenance due to poor condition; and (2) individuals requesting an evaluation to participate in the 50/50 sidewalk program. Calls for service from 2017 to 2020 include the following:

Year	No. of 311 Service Requests		
	Maintenance Request (Temp Repair)	Evaluation for 50/50 Sidewalk Participation	Total
2017	160	248	408
2018	124	179	303
2019	179	203	382
2020	161	103	264
Annual Average	156	183	339

Over the last four years, the City has paid approximately \$2,000 in legal claims for broken and unrepaired sidewalks causing injuries to individuals.

Compliance with City of Evanston's Climate Action and Resilience Plan and Equity Goals

The City of Evanston has public sidewalks on the majority of city parkways. The sidewalk is a community asset, and is just as important, if not more so, than the roadway itself. It allows all members of the community regardless of economic status or physical ability to safely travel between different locations. By providing safe pathways to pedestrians from the roadway itself, not only is their safety improved, but those operating motor vehicles have fewer obstacles to navigate through and are less likely to have an accident. Overall, the City of Evanston has approximately 280 miles of installed public sidewalk. Recognizing that not every community member will favor one solution over another, staff requests that the City Council weigh in on this important issue to assist staff in creating the most equitable solution given financial barriers and community concerns.

Does the Current 50/50 Program Meet the Requirements of the Climate Action and Resilience Plan?:

The City Council adopted the Climate Action and Resilience Plan (CARP) in 2018. Goal Action 1.a of the Transportation and Mobility section of the CARP plan is to:

“Expand safe, convenient and complete networks in Evanston for pedestrians, bicycles and transit; facilitate the expansion of strong bicycle and transit connections between Evanston and neighboring communities”

The current sidewalk improvement program does not meet this goal. Instead of expanding pedestrian networks, the City falls further behind each year in maintaining the existing sidewalk network without adding any new sidewalk. In addition, the beginning and final leg of most mass transit trips often involve walking to/from a location to access a specific transit stop. Maintaining and expanding the transit network is of limited effectiveness unless the sidewalk network is adequate to allow the appropriate access.

Is the Current 50/50 Sidewalk Program Equitable?

Simply put, the current Program is inequitable. Staff's evaluation of the Program notes the following:

- Not all property owners can afford to participate in the program. If a property owner is declining to participate in the program for financial reasons, the City does not currently have a way of paying the private cost-share to fix the deteriorated sidewalk. Therefore, in areas where sidewalk repair is needed the most, they are not repaired due to financial barriers. Attached is a map indicating where sidewalk repairs have been completed by the 50/50 program over the past three years.
- The program is not equitable to pedestrians. While almost every community member is a pedestrian at some point, there are some particularly vulnerable populations that are disproportionately impacted by deteriorating sidewalks and/or sidewalk gaps. The City is not meeting the transportation needs of these populations. Some examples of vulnerable populations include:
 - Children walking to and from school
 - Users of mass transit (students, seniors, disabled, lower-income community members)
 - Mobility limited community members who are more impacted by uneven walking surfaces
- The program is not equitably implemented throughout the City. According to an initial analysis conducted by City staff, the majority of missing sidewalk gaps are located in locations with higher percentages of residents who identify as Black or of Latin American origins. While additional analysis of the equity of the 50/50 program is pending, the early results of the review indicate that a higher percentage of sidewalks may be replaced in locations with predominantly white residents. Relying on residents to report on areas where the sidewalk needs to be repaired, assumes all residents have equal access to time and resources, as well as trust and comfort in government to make such requests. A map indicating where the sidewalk gaps are located is attached for reference.

Does the Current 50/50 Sidewalk Program Meet the City Council Goal of Investing In City Infrastructure and Facilities?

Because the program is voluntary, underfunded and only addresses some types of needed repairs, the City falls further behind each year in keeping up with sidewalk repairs. The overall quality of sidewalk in the City is decreasing over time. The current program does not meet this goal.

Barriers to Modification of the 50/50 Sidewalk Program

Historically, there have been two significant barriers to revamping the 50/50 sidewalk program. These are:

1. Lack of City and property owner funding;
2. Resistance from property owners to create sidewalks where they do not exist. At many locations where there is a sidewalk gap, the property owner has incorporated the City right-of-way into their front yard. Fences, shrubs and trees are frequently located in the path where the sidewalk should be installed. Installation of the sidewalk and creating a parkway area creates the undesirable feeling of a large front yard being cut in half.

In addition, the adjacent properties have yards with landscaping and mature trees that extend uninterrupted to the street curb, and property owners are often unwilling to have this area disrupted by the installation of a public sidewalk, even if the sidewalk would be installed in the right-of-way owned by the City. However, sidewalk gaps are often located in high pedestrian areas - on arterial streets (such as the north side of Oakton west of Dodge), or adjacent to businesses and schools. It is not uncommon to see children walking in the street, particularly in heavy snow conditions when yards are not easily traversed. When the public parkway cannot be used for a public sidewalk, a significant equity issue is often the result.

How Can the City Remove the Barriers and Create a More Progressive Program?

How Do Other Communities Approach Sidewalk Maintenance and Infill Projects?

In researching potential changes, staff reviewed sidewalk management programs in various Chicago suburbs. The majority of suburbs surveyed have a program to replace sidewalks, with the local government funding 100% of the cost. However, some nearby suburbs do require the resident to pay 50% of the cost, including Morton Grove, Park Ridge and Skokie. In Skokie and Park Ridge, participation in the sidewalk replacement program and payment of the property owner's cost share is mandatory, unlike Evanston's program, which is voluntary.

Many suburbs do not have a program for completing sidewalk gaps. In those that do, sidewalks installed on arterial and/or collector streets are installed at the recommendation of staff and are funded by the municipality. On residential streets, the process is often initiated by resident request and is completed by special assessment requiring a supermajority of approval by impacted property owners, with property owners paying all of the cost.

What Are Potential Changes That Can Be Considered?

Staff is proposing several changes that could be considered for how sidewalks are repaired, replaced and created. Some or all of these changes could be adopted as a one-year pilot program, with an assessment for goals achieved and financial sufficiency after the first year.

Temporary and/or permanent changes should also be contemplated in the City's Strategic and Comprehensive Plans. Possible program modifications could include:

- Make sidewalk repairs mandatory. When sidewalk replacement is voluntary, there will always be areas that are not repaired, regardless of the cost to the property owner.
- Provide financial support for residents that are income qualified. The City has limited funds in CDBG and the Capital Improvement Program Fund ("CIP"). Funding is a necessary component to create equity, but it is unrealistic and a poor use of both City and property owner resources to manage an income qualification program to replace a single square of sidewalk.
- Fill in sidewalk gaps. This is a key component of an equity-based sidewalk network, but it is the most complicated to complete. New installations are significantly more expensive than the cost of replacing existing sidewalks, often requiring substantial grading and removal/relocation of barriers, such as trees, fencing and private landscaping. The City does not currently budget for this.

Staff Seeks City Council's Direction on Potential Next Steps

Staff is recommending the following next steps to be implemented beginning in 2022, and is requesting that City Council give guidance to move forward with one or more of these recommendations:

1. Provide initial short-term funding infusion and increase long-term annual funding. Staff is recommending that City Council approve a short-term funding infusion of \$6,000,000 (\$2,000,000/year for 3 years) and increase the annual budget from \$150,000/year to \$350,000/year. Of the \$6,000,000, staff is proposing that it be allocated as follows:
 - o Sidewalk gap infill projects - \$4,000,000 (approx. 6.2 miles of new sidewalk, depending on locations selected)
 - o Sidewalk repair backlog - \$2,000,000 (approx. 6.2 miles of replacement sidewalk)
2. Require sidewalk replacement to be mandatory, beginning in 2022 as a Pilot Program. This will allow the worst areas to be addressed, and will substantially improve the quality of the City's sidewalk network in the long-term. Mandatory sidewalk replacement would occur after a 311 request triggers the need for a temporary repair. Repairs to abate damage by parkway trees would continue to be funded entirely by the City of Evanston. In other cases, the cost would be shared 50/50 with the adjacent property owner, similar to the existing program. Staff will re-evaluate this pilot in one year to determine whether or not key performance indicators (for equity and CARP goals) are achieved.
3. Determine a method of income-qualification. This is needed to address equity for those that would experience financial hardship through program participation. However, it is recommended that application and approval be very simple, such as based on being income-qualified for other City or community services. Ideally, there would be a single method of income qualification that would entitle community members to receive free services for all eligible City programs, but this has been difficult to achieve historically. Those who qualify, will not have to pay for sidewalk repairs / replacement. Any income-qualification will increase the City's cost of the program.

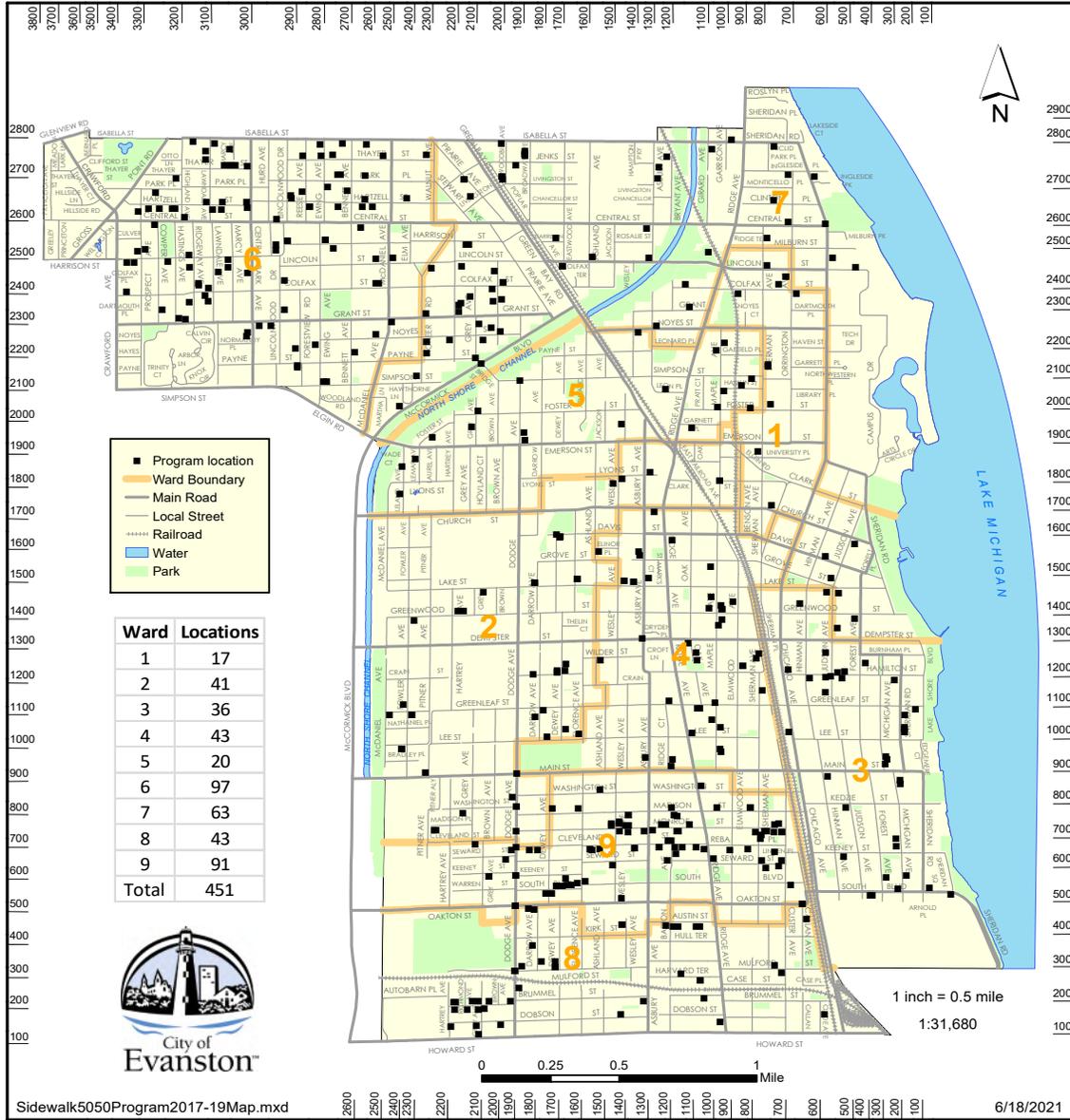
4. Implement sidewalk gap infill projects. These projects would be fully funded by the City at no cost to the property owner. In 2022, staff will identify project locations that can be funded through TIF and CDBG funding. A public engagement process will begin in Fall 2021 to notify adjacent property owners and work with them to alleviate concerns. Locations with the most significant equity components (near a school, business or mass transit) will be prioritized. After the initial 3 year cash infusion, this would be funded at \$200,000 - \$300,000 annually.
5. Incorporate an equitable approach to sidewalk maintenance and infill. All residents of Evanston should have sidewalks maintained and infilled. A scoring system which considers race, income, age, as well as access to public transit, grocery stores, schools, parks, and personal vehicles could be utilized to prioritize infill of sidewalks. This same method may also be applied to prioritizing maintenance of sidewalks on historically under-maintained streets, due to a lack of reporting or funds by residents.
6. Consider alternate funding sources. Other funding sources may be available, but they typically have limitations or have to be charged back to community members through taxes and fees. Some potential options include:
 - o CDBG - geographically limited
 - o TIF - geographically limited
 - o CIP Fund - reserve balance
 - o Easement fees (this is minimal but could be directed for this purpose)
 - o Debt Service Obligation increase
 - o American Rescue Plan Act (it is unlikely ARPA funds can be directly used for sidewalk, but they may be used to offset other budgetary obligations to make additional funding available for sidewalks)

Attachments:

[50/50 Sidewalk Replacement Map](#)

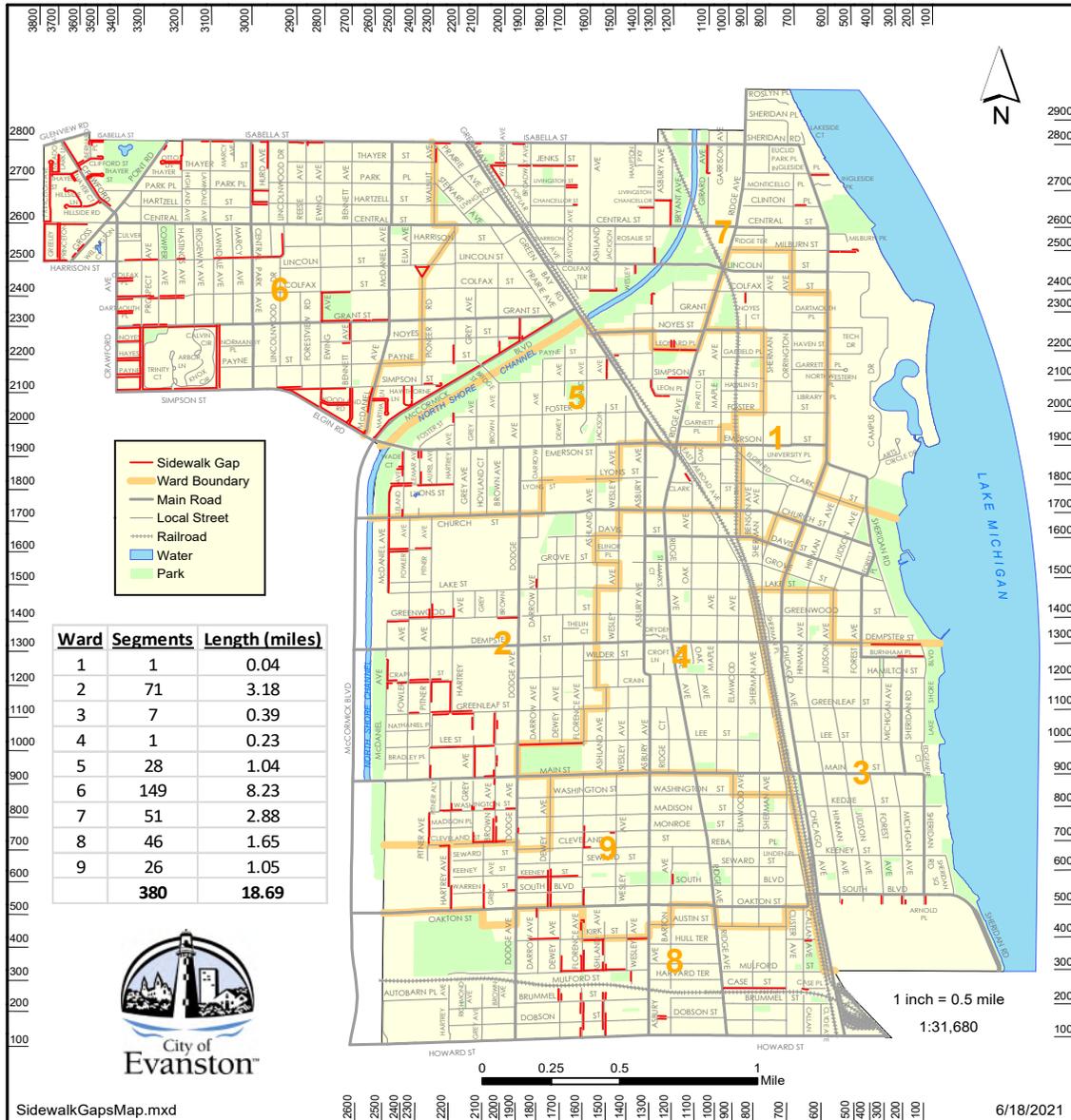
[Sidewalk Gaps Map](#)

Sidewalk 50/50 Program 2017-2019



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Sidewalk Gaps



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