

DATE OF MEETING SEPTEMBER 25, 2023
AUTHORED BY DAVID THOMPSON, MANAGER, ROADS & TRAFFIC SERVICES
SUBJECT **SIDEWALK MAINTENANCE POLICY**

OVERVIEW

Purpose of Report

To introduce a new Sidewalk Maintenance Policy (one of three core policies to form part of a unified approach to asset maintenance).

Recommendation

That Council endorse the Sidewalk Maintenance Council Policy COU-219 as attached to the September 25, 2023 report titled Sidewalk Maintenance Policy and direct the CAO to repeal the Sidewalk Inspection Administration Policy.

BACKGROUND

The City develops and maintains a wide variety of policies. These serve to codify the City's actions and define the services and service levels provided to taxpayers and the public. These policies also form part of legal defence in the case of claims brought forward, either in negligence, or occupiers liability claims.

Following advice and best practices from our insurer, and reflecting legal precedents, it is important to establish Sidewalk Maintenance, Pothole Inspection and Maintenance, and Winter Maintenance as core policies. Core policies reflect a deliberative process, weighing competing interests made at the highest level of the organization. Attached is the Sidewalk Maintenance Policy for Council's consideration. The Pothole Maintenance and Winter Maintenance policies are addressed in separate reports.

DISCUSSION

This attached policy has been drafted to reflect the current capacity and processes of the Public Works unit responsible.

Over the last 10 years, the City has been subject to a total of 17 claims related to uneven sidewalks, with an average cost of \$5,729/claim, or \$9,740/yr. Uneven sidewalks can be caused by a number of mechanisms, but the most common is the expansion of tree roots under the sidewalk. Often the solution is to remove the roots or the tree creating the hazard. A more suitable tree can then be installed with proper root containment. Other mechanisms include heat

heaving, failure of the base material, cracking due to vehicle traffic, and settlement of utility boxes.

From 2018 through 2022, Staff attended and addressed approximately 159 potential and actual tripping hazards in the sidewalks. This work to attend, monitor and repair tripping hazards is included in a work program; the 2023 budget includes \$190,000 for this comprehensive sidewalk maintenance. This program includes other activities such as removal of obstructions, seasonal weed and grass removal, maintenance of sightlines and small scale renewals, among others.

The policy is reactive in that the City will address matters as they are brought forward (either by complaint or other process).

OPTIONS

Option 1:

That Council endorse the Sidewalk Maintenance Council Policy COU-219 as attached to the September 25, 2023 report titled Sidewalk Maintenance Policy and direct the CAO to repeal the Sidewalk Inspection Administration Policy.

- The advantages of this option are that:
 - The City will be able to rely on the strongest liability defence available.
 - It sets a consistent expectation for service standards.
- The disadvantages of this option:
 - Unknown defects will not be discovered and repaired.
- Financial implications:
 - No impact to operating or capital budgets.

Option 2:

Direct Staff to create a Sidewalk Maintenance Policy that is more pro-active.

- Costs to engage a contractor to conduct regular inspections are estimated at \$200/km of sidewalk. At the time of writing, there are approximately 450km of sidewalks within the City, and increasing by 1%-2% each year with development. The estimated annual cost for inspection is \$90,000. Additional capital costs to promptly repair known defects. Costs for a pro-active program could be spread out over a number of years, say, inspections every 5 years.

SUMMARY POINTS

- A policy is required to ensure consistent standards of service delivery and to set reasonable expectations with respect to sidewalk maintenance.
- Council is responsible for weighing competing interests for constrained resources.
- A good policy will help mitigate liability exposure in the case of claims.
- This policy is reactive as defects are identified.

ATTACHMENTS:

Attachment A – Sidewalk Maintenance Policy COU-219

Submitted by:

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Concurrence by:

John Elliot,
Director, Public Works

Bill Sims,
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