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May 14, 2024

Honorable Andrea Shaut
President/Aldersperson-at-Large
Kingston Common Council
420 Broadway
Kingston, NY 12401

Dear President Shaut,

On April 4th, after several months of work, the Kingston Complete Streets Advisory Council presented its findings regarding solutions to finance the city's ailing sidewalk infrastructure to Mayor Noble. Working through a 'sidewalk task force,' the Council prepared a white paper summarizing the issue and presented several options for consideration by city leaders. That paper, attached, can also be found here: <https://bit.ly/4bkvysU>.

I am writing to you today to request time at the next appropriate committee meeting to provide an overview of these findings and discuss the next critical steps that the city will need to take to move forward with our recommendations. Among those steps includes the development of a new sidewalk master plan, which would fully inventory the city's sidewalk infrastructure, provide a detailed assessment of the condition of those sidewalks down to the parcel level, provide a prioritized list and schedule of which sidewalk segments should be repaired or replaced, develop detailed cost estimates, and identify several appropriate measures for funding those repairs or replacements.

While an initial mapping and inventorying of sidewalks was completed with assistance from city staff and the Ulster County Transportation Council some years ago, the next steps will require a much more detailed assessment as well as very close coordination with multiple City department heads. It is the CSAC's opinion that this endeavor is best suited for a qualified planning and engineering consultant.

I, and other volunteers from the CSAC, look forward to meeting with you and your colleagues at your earliest convenience.

Cordially,

Paul Stankus, Chair
Kingston Complete Streets Advisory Committee

Section 1: Introduction and Background

The City of Kingston is seeking to develop a policy or program that would improve the way sidewalk repair and construction is conducted and financed. The current legal framework places the burden of sidewalk repair and maintenance on the property owner while the City owns the right-of-way where the sidewalks lie. Property owners are responsible for keeping sidewalks in good condition by repairing it or replacing it when it is damaged or broken, keeping it compliant with The Americans with Disabilities Act (ADA), and clearing it of any debris (snow, vegetation, trash, etc.)

If a property owner does not maintain the sidewalk in good condition, the Department of Public Works can give them a citation. If the problem persists, DPW can clean, repair, or replace the sidewalk and put a lien on the property to charge the owner for the work in their next tax bill. To the knowledge of the Complete Streets Advisory Council (CSAC), these tools are used sparingly.

The City of Kingston historically has not enforced its own policy for citing and maintaining sidewalks. Furthermore, prior to 2017, the City code did not have clear sidewalk standards that were up-to-date or compliant with the ADA. In addition, there are no opportunities for property owners to get financial assistance for the repair. As a result, over many years sidewalks in Kingston have become severely deteriorated, disconnected, and were rebuilt with various inappropriate materials such as asphalt and grass or with poor workmanship.

In recent years, the City has aggressively sought state and federal grants to complete sidewalk projects along significant lengths of streets, including upper Broadway, Henry Street, Franklin Street, and other locations that are currently planned for improvements. Despite successful grant applications and implementation, however, these efforts have not sufficiently addressed the City-wide problem of poor sidewalk conditions.

A network of sidewalks that are ADA-compliant is a fundamental part of complete streets. A Bureau of Transportation Statistics study found that 52% of all trips, including all modes of transportation, were less than three miles, with 28% of trips less than one mile.¹ A more complete network of sidewalks will encourage City residents to walk more, instead of relying solely on their cars. In addition to other benefits for City residents, by not implementing a comprehensive sidewalk action strategy, the City exposes itself to liability by not complying with the Americans with Disabilities Act (ADA)

¹ FOTW #1230, March 21, 2022: More than Half of all Daily Trips Were Less than Three Miles in 2021.
<https://www.energy.gov/eere/vehicles/articles/fotw-1230-march-21-2022-more-half-all-daily-trips-were-less-three-miles-2021>

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in a deliberate fashion. “Trip and fall” injury claims are submitted by the public on a regular basis, but generally fall to the responsibility of the property owner. Federal courts across the United States, however, have consistently ruled against cities that have failed to meet ADA standards, resulting in class action settlements including consent decrees in the billions of dollars.

According to the Ulster County GIS Sidewalk Dashboard – a static point in time cooperative inventory and mapping effort by the Ulster County Transportation Council and City of Kingston – there are a total of 80.8 miles of sidewalks in the City of Kingston, over 85% of which have been rated as less than fully accessible based on ADA accessibility standards.²

In late 2010, Kingston formed a Complete Streets Advisory Council (CSAC), and a sidewalk taskforce of the CSAC formed in 2013 to address the insufficient code and explore policy solutions for a long-term, sustainable solution to prompt sidewalk upgrades throughout the City. The taskforce consisted of 10 community members or people from outside agencies with expertise and 10 City of Kingston staff. With support from Cornell Cooperative Extension of Ulster County and an intern from the Bard Center for Environmental Policy master’s program who was trained as a landscape architect with expertise in ADA compliance, the taskforce developed a new draft code. The major changes to the code included requiring 5-foot-wide sidewalks wherever possible, allowing only concrete and bluestone to be used for sidewalk repair, the provision of technical specifications for sidewalk construction and tree planting, and an update to sidewalk café standards.

The taskforce presented the code changes to the Common Council in June 2017, and they were adopted in July 2017.³ In 2017, The members then endeavored to work on Phase 2 of the task force’s work, which was to recommend a new policy and financial tools to change the legal framework that would enable the City to take responsibility for sidewalk improvements and reduce the burden on the property owner to manage sidewalk repairs. Using the sidewalk improvement district model adopted by Ithaca, NY, the taskforce developed a proposed framework and fee schedule for the entire City to be a sidewalk improvement district. The taskforce developed some outreach materials for the sidewalk improvement district proposal and met with Corporation Counsel to determine the process for creating the district. It was determined that to establish the

² UCTC ArcGIS Sidewalk Dashboard.

<https://ulstercounty.maps.arcgis.com/apps/dashboards/dd1f7ce49aac4ddda51c6df1712626e5>

³ Proposal for Revision of Streets and Sidewalks Code.

https://docs.google.com/presentation/d/1Lus9wU15zakiGAxrG4y0jLWWrcmA_EuN9TyJoYvj0S8/edit?usp=sharing

district it would be necessary for citizens to vote on a referendum. Unfortunately, there was not political will at that time to put the referendum on the ballot, and shortly thereafter the pandemic ensued so the focus on sidewalks waned.

With the pandemic behind us, the Complete Streets Advisory Council has revisited the idea of the sidewalk improvement taskforce, and Mayor Steve Noble requested that the Council review alternative policy and program options for increasing the speed at which sidewalks could be improved. This document provides an overview of other policies and programs that the CSAC examined, reviews advantages and disadvantages, and recommends strategies for moving forward.

The crux of this issue is that there is a tension between the perception of sidewalks as public spaces and public goods, yet there is a requirement that they be privately maintained. This white paper explores solutions that could completely change the existing framework for sidewalk maintenance and repair.

Section 2: Taskforce Methodology

Members of the Sidewalk Task Force conducted a comprehensive review of local sidewalk laws and programs of regional and national significance to develop an inventory of best practices in the realm of municipal sidewalk state of good repair. This inventory and resulting analysis allowed Sidewalk Taskforce members to begin to organize best practices into major categories according to various municipal approaches. These can be summarized into five primary categories, sorted by responsible party and mechanism for funding and implementation:

Sidewalk Improvement Strategies	
Responsible Party for Sidewalk Maintenance and Repair	Funding & Implementation Mechanism
Property Owner	Property Owner
Property Owner	Cost Share or Financial Incentive
Municipality	General Fund
Municipality	Property Owner, with Cost Share Incentive
Municipality	Sidewalk Improvement District/Fee Structure

A full list of best practice case studies has been included in the appendix to this paper.

Section 3: Task Force Recommendations

Option 1: City-Wide Sidewalk Improvement District.

It is the opinion of the CSAC that the establishment of a City-Wide Sidewalk Improvement District (SID) will provide the clearest framework that will guarantee a state of good repair for Kingston's sidewalks into the future. A detailed fact sheet detailing the primary components of the proposed SID can be found in Appendix A of this document. The framework will utilize a fee assessed to each residential property owner to establish a discrete revenue source for sidewalk administration (including engineering oversight), repair, and construction that over time will address all of Kingston's sidewalk deficiencies. Costs will be distributed among all Kingston property owners in a uniform fashion.

A SID would allow the City to establish a planned and progressive sidewalk improvement program, prioritizing streets that are high in pedestrian traffic, are routes to community destinations, or have great need to become ADA-compliant as soon as possible. Instead of fixing sidewalks in a haphazard manner, the City can re-envision and better plan the cross-section for the sidewalk on whole streets or neighborhoods. For example, uniform widths for the sidewalk and tree lawns can be established, better tree types for the environment can be chosen, and materials will be consistent. The feel of a neighborhood can be improved. Furthermore, the SID guarantees that City staff will be dedicated only to the program and that the City will have the administrative capacity for implementation. These staff members could also potentially administer grants and loans described in other options to speed up the rate at which sidewalks get fixed. SID funds can be used as matching funds for competitive transportation grants amplifying the City's ability to acquire more funds for sidewalks more quickly. In sum, the SID would be the fastest and most efficient financial mechanism to fix sidewalks in a rapid manner.

Appendix A of this paper includes a detailed "frequently asked questions" document that was created in support of a SID rollout; these questions and answers continue to be relevant and accurate, although how a SID is eventually structured is fully at the discretion of City officials.

SID Costs and Homeowner Liability

One primary benefit of the SID is the removal of legal liability of the homeowner from litigation due to injuries resulting from poor sidewalk condition; under the SID, the City would assume full responsibility for sidewalk condition and maintenance (with the

exception of snow, ice and vegetation removal, which would remain the responsibility of the property owner).

Accurate costs for SID implementation are difficult to determine, primarily due to huge fluctuations in sidewalk construction costs that municipalities have experienced in the post-pandemic economy. Efforts to determine an average assessment fee per homeowner were calculated in 2017 under the original proposal and have been updated here utilizing a standard NYSDOT Quick Estimator Reference Guide.⁴ Using a home with a typical 60 ft. frontage as a benchmark, a baseline annual fee (the exact amount of which will need to be determined) would need to be applied to homes with existing sidewalks; this fee would then be adjusted annually by the City based on inflation and other cost factors. Costs would be based on a property's linear frontage and would include a nominal, limited fee for homes without sidewalks so that all property owners in the City are paying at least some share toward the SID. During the first year, it is estimated that a fee would generate over \$1.3m in local funds that would cover professional staff and construction expenses. The general assumption included a 30-year schedule for the replacement of 104 linear miles sidewalks throughout the City and would still assume regular sidewalk capital improvement grant projects to help supplement the SID and address neighborhood streetscapes.

A sidewalk district fee may be viewed as a regressive tax (while actually a fee), particularly by moderate and low-income property owners that cannot afford additional property taxes. Renters may also be concerned that the fee will simply be passed onto them by landlords through higher rents. The proposal may also take time to see results; this is because there are entire streets and neighborhoods in Kingston that lack sidewalks. It may be that these property owners have grown accustomed to the lack of sidewalks, do not wish to have sidewalks constructed, or would prefer not to be assessed a district fee if sidewalks would not be constructed until the far distant future (the district model assumes a 30-year cycle). It may therefore be likely that these individuals would not support a referendum and would be unhappy if such a referendum were approved.

The proposal and Referendum for the SID should therefore be accompanied by a robust education and awareness campaign that informs residents of their current responsibilities for sidewalks in the right-of-way and the benefits that SIDs have brought

⁴ Cost per linear foot based on the NYSDOT Quick Estimator Reference Guide.
<https://www.dot.ny.gov/programs/completestreets/funding>

to communities when implemented, using Ithaca and other cities where similar programs have been successfully implemented as a direct example.⁵

If the Sidewalk District Referendum is not moved forward, or if it is defeated, the following strategies are recommended:

Option 2: Enforcement of the Existing Code

If the City decides not to pursue Option 1, or if the referendum is defeated at the polls, the next option for the City to pursue is to begin strict enforcement of the City's existing sidewalk code, which puts the responsibility of sidewalk maintenance solely on the property owner. Under existing code, sidewalk maintenance and liability presently lies with the homeowner; however, to date, little if any enforcement of the code has taken place nor is it clear what City departments bear the responsibility for enforcement of the code if undertaken on a wide scale.

In order to institute City-wide enforcement of sidewalk standards, the City of Kingston Building Safety and Zoning Enforcement Department should lay out a process to notify the public that enforcement will begin on a set date. The Department should develop a schedule to systematically evaluate the condition of all sidewalks and notify property owners of their responsibilities. Alternatively, the 311 system could be utilized to funnel/filter complaints to the Department, thereby providing a means to prioritize inspections. This approach may result in uneven enforcement throughout the City, however.

To defer costs and lessen the impacts on local property owners, the City can consider establishing a community fund source utilizing an income-based sliding scale. Attaching financial incentives to a schedule can encourage voluntary compliance in a short period of time. More information on funding is provided below under Finance.

Finance

Four general mechanisms for financing sidewalk improvements are summarized below. The City may ultimately need to combine one or more programs as it develops an effective strategy for sidewalk repair.

1. Establish a Sidewalk Line in the General Fund.

Establish a sidewalk line item in DPW's budget. Begin budgeting a portion of general revenues, annual Consolidated Local Street and Highway Improvement Program (CHIPS)

⁵ See Denver Deserves Sidewalks campaign.
<https://denverstreetspartnership.org/dds-victory/>

and other funding toward City sidewalk projects. Reinvest a portion of other City fees and revenue sources, such as parking meter fees, parking violation fees, and sidewalk violation fines (once enforced), into the sidewalk line item. The source of funds could be used as a cost share incentive for property owners to make the repairs on their own. Alternatively, funds could support a DPW sidewalk crew to address serious gaps and deficiencies in the City's sidewalk system. If the City assumed full responsibility for sidewalks, the funds budgeted would need to be significant.

2. Cost Share: Micro-loans and Matching Funds

The development of a Kingston sidewalk repair cost share program may prove to be popular if adequate funding can be identified. Conversely, such an approach might be met with initial success but not adequately address long-standing gaps or entire streets/neighborhoods that have seen neglect for some time. The micro-loan program works when a City issues a micro-loan to property owners to fix sidewalks, this allows owners eager to fix a sidewalk to address the issue immediately, even if without sufficient capital. The Loan is in effect a lien on the property; accrues interest and can be repaid at the time of sale or prior; any remaining debt must be paid at the time of sale. This would allow the City to require prompt repairs to very bad sidewalks without incurring financial burden on low-income owners. If sufficient seed money can be found, the City could relieve low-income owners completely of repayment (grant).

Alternatively, a matching program can be used as a financial incentive for sidewalk repairs. As used in South Bend, IN, sidewalk priority areas are established annually. Properties in those locations are eligible to apply for matching funds for repairs based on an income-based sliding scale.

3. Sidewalk Bond Referendum⁶

In lieu of a referendum to establish a discrete sidewalk improvement district, the City may wish to pose a 30-year bond referendum to borrow a set amount of funds that would be used specifically for sidewalk repair and construction. The amount would need to be based on reliable estimates and would likely need to be in the 10's of millions of dollars in order to accomplish the task. A bond would still require significant administrative capacity, regardless of whether the work were to be accomplished by DPW staff or through independent contract bidding, including location prioritization, engineering and inspection, public relations, and other administrative oversight duties, which may test the organizational capacity of existing City departments.

⁶ New York is a Referendum State. <https://rockinst.org/blog/new-york-referendum-state-local-government/>

A decision would need to be made regarding responsibility: City or property owner. If the property owner is still responsible, the bond would be used to cover cost shares based on homeowner income scales.

4. Community Development Block Grants.

Set aside a portion of annual HUD CDBG block grants toward individual sidewalk projects, including filling gaps along routes between key destinations.

Gaps

Strong enforcement of existing sidewalks will do nothing to address the many gaps in sidewalk segments that are found throughout the City, including on major thoroughfares such as Clifton Avenue, Lucas Avenue, upper Flatbush Avenue, E. Chester Street, Fairview Avenue, and Quarry Street – to name only a few. The City will therefore need to not only continue an ambitious effort to secure state and federal grant funds to build out sidewalks between critical nodes (schools, essential services, etc), but should also develop a support fund that will encourage property owners to build sidewalks on their own. Such a fund could focus on specific neighborhoods on a rotating basis and offer income-based cost incentives from an established sidewalk fund (refer to South Bend, IN example).

Administration

Sidewalk Prioritization

Utilizing the ADA Transition Plan, Sidewalk Inventory, and Bike/Ped Master Plan, the City should establish a prioritization map and schedule identifying specific zones, neighborhoods or segments for improvements, with the highest priority given to those locations with the greatest gaps, worst condition, or known areas with high concentration of transportation-disadvantaged populations. The City could then increase financial incentives in areas identified as ‘high priority’ based on these criteria. (refer to South Bend, IN program)

Pre-Approved Contractors.

Create a list of pre-approved contractors that can handle Kingston sidewalk repairs. By establishing a pre-approved list of contractors, homeowners can be assured that costs will be fair and consistent and work will be completed according to City standards. Contractors must agree to certain rates and attest to workmanship.

Appendix A: 2017 SID Proposal – “Frequently Asked Questions”

These are examples of questions that could be answered if a SID program was implemented. All numbers used are just examples.

City of Kingston
Sidewalk Code Proposal – Improvement District
Section
Frequently Asked Questions:

1. What are my current responsibilities as a property owner for sidewalks?

The City owns the sidewalks, however, under the existing code; you are currently responsible for keeping the sidewalk adjacent to your property (street frontage) in good condition, and repairing or replacing it if it is broken/ damaged. You are also responsible for clearing your sidewalk of any debris (including snow, leaves, trash, etc.). Currently, if you do not repair or replace your sidewalk or clear debris from it, the Department of Public Works can give you a citation, and if the problem persists, clean, repair or replace your sidewalk for you, and put a lien on your property to charge you for the work in your next tax bill.

2. How does the new sidewalk improvement district fee system work?

The City will be one large sidewalk improvement district. Instead of property owners being responsible for repair and replacement of sidewalks, the City will charge a fee to property owners specifically for sidewalk maintenance. Fees collected will go to a special fund just for sidewalk maintenance, and they will be spent annually on a sidewalk engineer and sidewalk repair of approximately 3 miles each

year over a 30 year timeframe. This amount of mileage is comparable to the sidewalk repair program in Ithaca, NY.⁷

3. How much will the fee be each year?

Every property owner in Kingston will be charged a base fee of \$35, for example, whether you have a sidewalk or not. This is based on the idea that everyone uses the sidewalks, and it will help to lower costs for property owners with sidewalks. Property owners with sidewalks will be further charged for frontage. The estimated fee for a typical property with 60 feet of frontage will be \$120 in the first year.

4. I have a corner lot with a lot of frontage. Won't this fee be very expensive for me?

Corner lots and properties with double frontage (frontage on two streets) will be charged for 2/3^{ds} of their frontage in order to reduce the property owner burden in these cases.

5. What will be my responsibilities with the new sidewalk improvement district fee system?

In the new system, property owners will pay a fee into a sidewalk improvement district fund for replacement and repair of sidewalks. The City will be solely responsible for replacing and repairing the sidewalk to meet ADA standards. However, property owners will still be responsible for routine maintenance tasks such as vegetation, dirt, and snow removal.

6. I just replaced my sidewalk. Do I have to pay the fee?

⁷Ithaca sidewalk improvement program.

<https://storymaps.arcgis.com/stories/4df2b76ade6a4171a5ccbed80bf47ceb>

If you recently replaced your sidewalk, and it meets the City code and ADA standards, the fee can be waived for the amount that you spent repairing your sidewalk.

7. When will my non-ADA compliant sidewalk be repaired or replaced?

After the City finishes a complete inventory of the sidewalks, it will create an ADA Transition Plan that will have a 25-30 year timeframe. Sidewalks needing repair or replacement will be prioritized using criteria such as pedestrian traffic volume, street location, and severity of sidewalk damage. The City will repair and replace approximately 3 miles of sidewalk each year over a 30 year timeframe. Your sidewalk will be replaced according to this plan.

8. But my sidewalk is very badly damaged, and I would like to replace it today. Do I have to wait for the City to repair it?

You may repair your sidewalk today, and if you do, your City sidewalk fees can be waived for the same amount that you spent on repairing or replacing the sidewalk as long as it meets the City code and ADA standards.

9. Under the new proposed policy what happens if someone has an accident on the sidewalk in front of my property? Who could potentially be liable?

If someone has an accident due to poor sidewalk maintenance as a result of a needed repair or replacement, a person could sue the City. If someone has an accident due to vegetation, debris, or snow on the sidewalk, a person could sue the property owner and the City.

10. What about places that don't have sidewalks? Will the City be installing new sidewalks?

With the current formula for the new sidewalk improvement district system, the City has not accounted for installing new sidewalks. However, as the City creates its ADA Transition Plan and continues general planning for the City, it may be determined in some places that a new sidewalk is needed. New sidewalks may be built with grant funding or if deemed absolutely necessary, the cost of constructing them may be factored into the sidewalk fee system in the future.

11. I have bluestone sidewalks. Will the City repair them with bluestone?

In historic districts, the use of bluestone is mandatory. In other areas, the choices are bluestone or concrete. The City will make every effort to restore and retain salvageable bluestone, especially on long stretches of bluestone. However, many historic bluestone pieces are too damaged to save or to use in an ADA accessible sidewalk, and new bluestone is costly and not historic.



Appendix B: 2017 SID Proposal – “Legal Questions”

Will this be a user fee or tax? How did Ithaca do that?

This will be an annual fee through the creation of a special district. This is different from a tax, which would have to be approved by the New York State legislature. Ithaca created five Sidewalk Improvement Districts within the city.

What liability concerns should we expect?

If someone is injured due to poor physical condition of the sidewalk (i.e. in need of repairs), the City of Kingston will be liable. If someone is injured due to a lack of sidewalk maintenance, both the City of Kingston and the property owner abutting the sidewalk would be liable.

While we assume more responsibility, we should expect fewer claims. Did Ithaca experience this?

While we know that Ithaca did receive claims after their sidewalk policy went into place, we do not have enough information to compare this to the number of pre-sidewalk policy claims.

Would we be required to do something if someone files a grievance? What if someone files a grievance and the sidewalk is not listed to be repaired until years from now in the ADA transition plan? Would the City be required to repair the sidewalk immediately? Would there be more liability?

The City would not be required to do anything. There is the option of private parties fixing the sidewalk without waiting for the City plan, in which case the frontage fee would be waived for 20 years, up to the amount spent on the sidewalk. There would be no increased liability because the City of Kingston can prove that ADA compliance is underway.

Why do some areas not have sidewalks/ why are some excluded from a district in Ithaca?

There are five sidewalks districts in Ithaca that cover all sidewalks except those on the Ithaca College campus, which are the

responsibility of the college, and sidewalks on private roads, that are the responsibility of the land owners. Sidewalks not in a Sidewalk Improvement District are held to the previous sidewalk code and ADA compliance. The areas that do not have sidewalks are low-traffic, but could be under review to add sidewalks.

Do we have to create an entity that has the authority to tax? Will we create a special district for the fund (like the library district)?

Special Improvement Districts (Sidewalk Districts) can be created by local law, subject to a permissive public referendum. The Improvement District will then be the way to collect the money for the fund.

Do we have to do a public referendum?

Yes, in order to put the Improvement District in place. Ithaca had a referendum.

Can we set up a fund without going to the NYS legislature?

Yes, as long as the permissive referendum goes through, the Improvement District can be written into law for the City. If the law is denied at the referendum, either the law could be changed and put before another referendum, or, less ideally, could be brought before the NYS Legislature.

Appendix C: Inventory of Best Practices and Other Mechanisms for Sidewalk Maintenance and Repair

City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
Property owner, without cost share						
City of Kingston, NY	Property Owner	311 system is in place; the authority to enforce the code is within the city’s purview but otherwise no clear procedure is in place to enforce the code.	Owner is responsible for 100% of costs. Unknown what recourse the city may have given the lack of enforcement for many years.	None		Sidewalks get fixed in erratic manner. City doesn’t have the capacity to fix sidewalks and put liens on properties.
Portland, OR Sidewalk Repair ⁸	Property Owner	Complaints submitted by smartphone app; Inspection conducted by a city technician; repairs prioritized based on severity. Property owner has 60 days to respond. Online permit system allows property owners to make repairs themselves or hire the city to make repairs.	Owner is responsible. If the owner does not comply, the city has legal authority to conduct the work and to place a lien upon the property for the cost of the work plus administration fee.	No.		Smartphone app is inefficient and inequitable method for reporting deficiencies; some problems/neighborhoods go underreported.

⁸ Portland.gov Sidewalk Repair. <https://www.portland.gov/transportation/permitting/sidewalk-repair>

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City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
						City doesn't have the capacity to fix sidewalks and put liens on properties.
Property owner, with cost share						
South Bend Indiana Curb and Sidewalk Reimbursement Program ⁹	Property Owner	The City of South Bend's Curb & Sidewalk Reimbursement Program assists property owners in making needed repairs to curbs and sidewalks abutting their properties. This program can also be used to add new curbs and sidewalks where there are gaps in existing connections. All work must be done by licensed contractors bonded with the City's Department of Public Works. Construction work should be completed no more than 60 days after approval of the application. Per Chapter 18, Article 3 of the South Bend Municipal Code, the maintenance and repair of curb and sidewalk is the responsibility of the abutting property owner.	The 2020 program offers partial reimbursement for replacement of existing curbs, sidewalks and ADA ramps within city limits. Applications can be found at southbendin.gov/curbsidewalkprogram . Bank Loan Assistance: *1st Source Bank has a microloan program for property owners who need assistance with funding. Contact Shawn Carlton at	Yes		Sidewalks get fixed in erratic manner. City needs to identify source of funding for cost share.

⁹ South Bend, IN Curb and Sidewalk Reimbursement Program. <https://311.southbendin.gov/knowledgecenter/article/?id=KA-04784>

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City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
			574.236.4563 for more information.			
Point of Sale Program Piedmont, CA ¹⁰	Shared. Property owner is responsible; municipality administers to P.O.S. support system	Before any home sale, city inspects sidewalks. If sidewalk is damaged, owner must repair before completing sale. Certificate of compliance must be included with escrow documents at sale. Owner can request city to conduct the repair; city issues lien.	Owners may request city to perform repairs before sale and accept a lien in order to delay payment until sale; city can place interest bearing lien on the property for the cost of the repair.	Yes; costs can be deferred to next owner. Microloan program can also encourage voluntary compliance	P.O.S. program costs might be the least impactful on property owners. A fund must be established to cover loan program	Could be a complicated program to administer and take time to see results City doesn't have the capacity to fix sidewalks and put liens on properties.
Municipality, through annual appropriations to general fund						
Sidewalk Maintenance Program.	Property Owner + Munic.	Beginning in 2021, the City will repair or replace deficient sidewalk panels at no direct cost to property owners. Hazardous	General fund annual appropriations		Sidewalk repairs are elevated to the same level as	Additional professional staffing required Creates an

¹⁰ Shoup on How to Improve Sidewalk Accessibility. <https://luskin.ucla.edu/shoup-on-how-to-improve-sidewalk-accessibility>

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City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
Westerville, OH ¹¹	Departments (Engineering DPW and associated administrative staff)	<p>panel locations are recorded by public complaint and are addressed during the following construction season as part of each year's Street Rehabilitation Project. Evaluations of hazardous panels reported to the City are based on approved sidewalk safety guidelines.</p> <p>While the City has adopted a policy of repairing hazardous walks at no direct cost to property owners, this policy decision in no way removes legal liabilities from property owners of defective panels that may cause injury. The City's decision to absorb financial costs of repair is a benefit to property owners and not an adoption of liability.</p>			paving the road for cars as important to fund with regular taxes.	<p>administrative burden for departments involved.</p> <p>Results are mixed.</p> <p>CoK wouldn't have capacity or funding in the general fund to fix all the complaints that would come in at this point in time.</p>
City of Richardson, TX Sidewalk	City	The City will use funding (doesn't specify where those are coming from) to perform repairs made regionally to minimize costs, simplify inspection and management. 27 regions were	Bond program to the General fund.			

¹¹ Sidewalk Maintenance Program, Westerville OH. <https://www.westerville.org/services/planning-development/engineering/sidewalk-maintenance-program>

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City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
Repair Program ¹²		created and ranked based on rehab needs. Focusing on trip hazards: spalling exceeding 40% of panels surface, and vertical separation between panels (priority 1 if larger than 3", 2 if between 2" and 3", and 3, if between 2" and 1")				
Vancouver, BC Street and Sidewalk Repair ¹³	City	City crews carry out the necessary sidewalk repair and replacements. Repair requests are submitted through 311 or other apps. City staff respond and assess the condition and promulgate a solution, incl. scope of work and cost	General fund budgeted for general repairs, upkeep and capital projects	No		
Boston, MA	City	DPW oversees projects; inspections are done by the city; projects are contracted to approved private contractors. Sidewalks are prioritized based on recurring survey; 311 or other complaints, and major projects.	General fund with 70% derived from state/federal grants	No	Administrative burden for DPW	
Municipality, through cost share						

¹² Richardson, TX Sidewalk Rehabilitation Program. <https://www.cor.net/departments/capital-projects-engineering/sidewalk-rehabilitation-program#:~:text=Richardson's%20Neighborhood%20Vitality%20Bond%20Program,construction%20specifications%20and%20permitting%20processes.>

¹³ Vancouver BC Streets and Sidewalks. <https://vancouver.ca/streets-transportation/streets-and-sidewalks.aspx>

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City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
Iowa 2012 sidewalk program resolution , Waukeee, IA	DPW inspects and administers; property owner must comply	City will determine the schedule of the sidewalk repair, request bids, and will rebate the cost (50% for one street frontage, 100% of shortest street for two or more street frontage). Owners could face civil action if not comply to notices from the Director of Public Works by certain time. Director of public works will assess where sidewalks should be installed, repaired, or need to be maintained. Will also conduct bids which then will be forwarded to the property owners.	Rebates provided			
Los Angeles, CA	Shared/City and Property Owner	311 system compiles complaints. Repairs affecting those with mobility disability with a barrier complaint are prioritized according to Class Action Settlement. Otherwise, a methodology for prioritization is managed by the city. City inspector also provides private owners with a cost share rebate; if accepted by owner, sidewalk incentive program allows	Class Action Settlement of \$1.37Billion over 30 years. \$31m annually increase to \$63m annually	Yes	.ADA compliance will be reached faster.	City is forced to spend a certain amount of money on sidewalks when other issues also might need attention and funding (i.e.homelessness)

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City	Resp. Party	Procedure	Funding	Cost Share	Pros	Cons
		voluntary property owner repairs; in such cases, city will contribute 40% of total cost of repair.				
Municipality, through sidewalk district w/property owner fee system						
Denver, CO Sidewalk Construction, Reconstruction and Repair ¹⁴	Shared/Sidewalk Improvement District	In November 2022, a citizen-led ballot initiative approved by voters, known as Denver Deserves Sidewalks and Ordinance 307, shifted the responsibility of sidewalk construction and maintenance to the city and established a fee the city is to charge property owners to fund the sidewalk work.	Fee approved through voter initiative	This new model is very similar to the Ithaca model and Kingston proposal	Program is a result of a 2022 voter initiative. Website provides an informative overview.	
Ithaca, NY Sidewalk Policy ¹⁵	Shared/Sidewalk Improvement District	Annual fee assessed to all property owners based on frontage. Fees go to Sidewalk Repair Program Manager and repairs. Refer to CSAC model created in 2019. Regular city-wide condition assessment	Annual fee assessed to all property owners based on frontage		Large volume of repairs have been completed for a city its size. Sidewalks for a street or	Sidewalk Engineer has to make decisions based on districts rather than based

¹⁴ Denver CO Sidewalk Construction, Reconstruction and Repair. <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Department-of-Transportation-and-Infrastructure/Programs-Services/Pedestrians/Sidewalks>

¹⁵ City of Ithaca, NY Sidewalk Policy. <https://www.cityofithaca.org/219/Sidewalk-Policy>

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		process is used as well as method for prioritizing repairs based on set standards. Public input a key component. Majority of work is conducted through private contractors.			neighborhood get fixed in a uniform manner allowing for the reenvisioning/planning of sidewalk widths, tree types and lawns, curb extensions, etc.	on greatest needs for the greatest population that would benefit. (I.e. small neighborhood roads could be chosen to fix first instead of major collectors)

Cost Assistance

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Micro Loan Program	City issues a micro-loan to property owners to fix sidewalks prior to point of sale. Allows owners eager to fix a sidewalk to address the issue immediately, even if without sufficient capital. Loan is in effect a lien on the property; accrues interest and can be repaid at time of sale or prior; any remaining debt must be paid at time of sale. Would allow city to require prompt repairs to very bad sidewalks without incurring financial burden on low income owners. If sufficient seed money can be found, city could relieve low income owners completely of repayment (grant).	would require additional resources from comptroller, assessor, building department and DPW	Funded in part through a fee system but would require up front capital set aside in the budget for multiple departments
Sidewalk Fund	Creation of a stand alone sidewalk fund that could go toward cost assistance to low income property owners, cost share for any/all property owners based on a sliding scale, or to support a micro-loan program. Fund through private donations or portions of existing funding streams, such as CHIPS, parking fees and other fines.		Might be difficult to maintain an adequate funds to address the issue. Other programs rely on a hodgepodge of funding sources that fluctuate making long-term planning difficult.
Municipal Bond ¹⁶	New York law allows a referendum on proposed local bonding if a sufficient numbers of citizens want one: a petition properly prepared and signed by a number of “qualified electors” equal to 5 percent of those voting in the last gubernatorial election.	How much?	
Special Purpose Sales Tax	A special purpose tax could be negotiated as part of the next Ulster County Sales Tax Agreement; current agreement effective through February 28, 2026. Tax agreement seeks uniformity of tax rates throughout Ulster County;		

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Other Notable Initiatives

<p>Village of Rhinebeck Sidewalk Study (2011)</p>	<p>Dutchess County Transportation Council has conducted detailed sidewalk studies for most of its towns and villages. Includes detailed inventory and defines sidewalk improvement strategy and its objectives, as well as priority recommendations based on proximity to village/business centers, schools, libraries, etc. The recommendations are very aligned with a complete street design. Also breaks down cost estimates.</p>	<p>Planning Study Only; No specific funding strategy recommended;</p>	<p>n/a</p>	<p>Recommendations establish a priority-based hierarchy for the entire village as well as funding strategies;</p>
<p>Saugerties plans partnership</p>	<p>Inventory of bluestone sidewalks in downtown business district to be conducted. Building owners pay for</p>	<p>Combination of business owners and village</p>		<p>Limited area; addresses business district only</p>

¹⁶ New York is a Referendum State. <https://rockinst.org/blog/new-york-referendum-state-local-government/>

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for village sidewalk replacement; trustee wants to end bluestone requirement	materials, village pays for labor. Move to change policy regarding use of bluestone.			
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