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STREETS AND SIDEWALKS –

DOING THE BEST WITH WHAT YOU HAVE

Ten Simple Suggestions for Safer Streets and Sidewalks

Tough economic times and tight city budgets require cities to think “outside the box”, especially when they develop plans and procedures for inspecting, maintaining, and repairing streets and sidewalks.

Every city employee who observes potentially dangerous street or sidewalk conditions should be empowered and encouraged to report those conditions. When the city can choose where work is to be done or utility structures are to be located, pedestrian safety should be a consideration. And when the city becomes aware of hazardous situations, it should take reasonable steps to warn pedestrians or to eliminate the hazard.

Frequently, cities have problems because they are unaware of what they own and what they are responsible for maintaining. Cities can decrease their liability exposure by increasing their awareness of pedestrian, bicycle, and motor vehicle traffic patterns and volumes. Cities need to pay special attention to transition zones, i.e., the transition of a sidewalk to a handicap access ramp, crosswalks, and city parking lots.

Some cities have decided to use decorative or non-traditional surfaces for some of their sidewalks. Special surfaces may require special care. Cities also need to be aware of utility boxes, guy wires, light poles, tree grates, newspaper boxes, benches, and other structures located within their right of way and on public sidewalks. If not properly located and maintained, any structure located on the sidewalk can cause problems for people using streets and sidewalks. Streets and sidewalks under construction also present areas of special concern, especially if the street or sidewalk remains in use during construction.

Most importantly, a city should adopt a policy for street and sidewalk maintenance, inspection, and repair and follow their policy.

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Consult your city attorney for advice concerning specific situations.*

TEN SIMPLE SUGGESTIONS FOR SAFER STREETS AND SIDEWALKS

A. Let your city's right hand should know what its left hand is doing

All requests for street and sidewalk work should be reported to the same department or same person. If the city does not have a central repository for gathering street and sidewalk condition complaints it is too easy for records to get misplaced or lost.

Cities should also be especially aware of cavities in streets that may form as a result of winter water line breaks or repairs. Observations of street and sidewalk conditions made by police and others should be forwarded to the public works department.

There should also be a report mechanism for conditions that are observed by street sweeping and snow plowing crews. Lots of people can provide information concerning the conditions of streets and sidewalks but the information should be gathered in one place.

B. Make good choices about where to locate structures and do work

Water shutoff valves should be located in the boulevard rather than the sidewalk or street crossing. Storm sewer grates should not be located in the crosswalk if other locations are feasible. If a storm sewer grate is located within a crosswalk both it and the pavement around it must be carefully maintained and the storm sewer grate should be appropriately marked. If the city has some choices and can do test drilling or other work within the right of way, work should be located in the boulevard rather than on the sidewalk or within a crosswalk.

Although the legal standard is "reasonableness," reasonable condition for a sidewalk as compared to reasonable condition for a boulevard are different. Sidewalks are expected to be more pothole and defect free than boulevards or city streets.

C. Warn of known hazards so they can be repaired or remedied right a way

There is no duty to warn of a condition that is not hazardous. If, after a complaint is received, inspection reveals that a condition does not meet the city's criteria for warning, correction, or repair, the city's records should indicate an inspection occurred, and the record should document the nature and extent of the condition observed and the condition does not meet the city's established criteria for replacement or repair.

Spray paint can sometimes be used to temporarily mark hazardous conditions. If an area is spray-painted in response to an accident or complaint, photos and measurements of the existing condition should be made before spray painting occurs. Spray painting is only good temporarily (usually one season or less). It works best when bright colors are used and the marking is touched up as needed.

Signs, type two barricades, and cones used to mark dangerous conditions must be reinspected regularly (weekly). The city should also determine whether or not the sidewalk or street is in such bad condition that it needs to be temporarily closed. Barricades and cones present additional

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problems because they are frequently moved or stolen and can create additional hazards to pedestrians.

D. Know what you own

Snow and ice immunity as set forth in Minn. Stat. §466.03, subd. 4 applies **only** to sidewalks that do not abut a publicly owned building or parking lot. Cities need to keep track of recent property acquisitions. Vacant city owned lots where parking is allowed and tax forfeit properties may contain sidewalks the city is (but did not realize they were) responsible for maintaining.

Cities should also be aware of conditions on their own buildings that may adversely affect sidewalk conditions. In particular down spouts from publicly owned buildings that cause water to flow across the sidewalk or in an alley way used by pedestrians are areas of concern.

Finally, it is important to distinguish between park trails and sidewalks. Although snow and ice immunity applies to both, parks and recreation immunity applies only to park trails.

E. Know where people walk

Cities should focus their efforts on high pedestrian traffic areas, and areas that abut city owned buildings and parking lots. As a practical matter, this means the downtown business district and areas near schools, senior citizen centers, apartment complexes, and small commercial areas (especially if they include a grocery or convenience store, drug store, post office, etc.) are areas that may warrant more frequent inspection or attention than other areas of the city.

Cities should also pay attention to alleyways that are used as sidewalks to access businesses. In many cities the back door alley entrance of a business is used almost as often as its front door. Alleyways present special concerns because of the possible build up of ice and snow, location of dumpsters, boxes, and debris. In addition, most alleys are built within an “invert” to allow drainage to the middle of the alley; this may increase the build up of ice during the winter and potentially decrease pedestrian safety.

Cities must also be concerned about crosswalks and the location of utility structures and potholes in crosswalks. If the crosswalk crosses a state highway or county road, the state or county may be responsible for maintaining the road surface; however, there are frequently state/city or county/city agreements that make the city responsible for crosswalk maintenance and pavement markings. Cities need to be aware of all such agreements and follow them. It is not uncommon for these agreements to be in place for a long period of time and for the city to be unaware that it had assumed, by contract, responsibility for maintaining the surface of someone else’s road.

F. Pay special attention to transition zones

The transition of the sidewalk to a handicap access ramp creates a slope that can cause problems, as frequently there are differences in elevation and sometimes changes in surface from a standard concrete to an exposed aggregate concrete. Cracks or deterioration that appear in a handicap

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access ramp may present greater liability exposure for the city than similar conditions in other areas. Handicap access ramps should be maintained in a manner so that ADA standards for wheelchair accessibility are maintained.

Other transition areas are also of concern, in particular the transition of a curb or gutter of the street and the transition of a sidewalk to a building entry or private sidewalk. When streets are being repaved, there is sometimes a difference in elevation between the gutter and the pavement before the final “wear course” is applied. The difference in elevation between a concrete gutter and asphalt pavement can, over time, create a tripping hazard especially in crosswalk areas.

G. Take special care of special surfaces

For aesthetics and other political, social, and public policy reasons, cities sometimes want to have decorative surfaces for sidewalks such as boardwalks, paver bricks, exposed aggregate (this is of particular concern when using river washed gravel), and sidewalks constructed of a combination of concrete and brick.

Historic boardwalks are of particular concern since the boards tend to deteriorate faster than a concrete sidewalk and need to be inspected more frequently. Boardwalk boards need to be replaced when they are in a deteriorated condition. Paver bricks can cause problems because the surface of the sidewalk can sometimes be quite uneven depending on the time of year and the amount of moisture in the sand underneath the bricks.

In addition, the transition between paver bricks, water shutoff valves, and other structures located in the sidewalk can, at times, cause tripping hazards. Some cities use a sidewalk constructed of a decorative concrete and brick pattern. This can cause problems because the concrete and brick “contract” with the heat and cold at different rates causing some deterioration of the brick surface, particularly in the area where the brick and the concrete meet.

H. Be aware of what else is on the sidewalk

Cities need to be concerned about everything located within their right of way and on their sidewalks. This would include utility boxes, guy wires, light poles, hanging planters, tree grates, newspaper boxes, benches, bus shelters, and any other item constructed on the sidewalk.

Guy wires are of particular concern. Guy wires should be marked with a “guy guard.” Guy guards are made of bright yellow plastic and make the guy wire less dangerous and more visible.

We have had a number of claims involving planters hanging from light poles and sidewalk conditions after a light pole was temporarily removed and not replaced. The same concerns are present for tree grates if the tree dies or is removed. Some cities have marked these with cones. Please note these orange traffic safety cones then must be inspected on a frequent basis.

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I. Be aware of conditions when streets and sidewalks are under construction

When the streets and sidewalks are “under construction” they must either be closed or very carefully marked. If the sidewalk is closed a sensible and safe alternative route should be provided. It is also important to provide residents and others with advance notice. Tell them what will happen with respect to sidewalk and street construction and when it will happen. This way they will not be “surprised” when work is commenced.

Sometimes cities make a determination that a sidewalk will remain open during construction. If, however, construction changes in a way that it increases potential danger to pedestrians, the cities may sometimes need to depart from their original plan and either close the sidewalk (providing alternative access to businesses) or modify the construction schedule to allow access during construction.

J. Do something

Cities should follow their policies for sidewalk inspection and repair. In the policy, cities should define what conditions are defective and establish a schedule or program for replacement or repair. If the city cannot follow its policy, a city must state why it must depart from policy guidelines (i.e., lack of funds, resources, bad weather, other emergencies, etc.).

It is also very important for cities to follow-up on all complaints. Good record keeping is a must. If the city loses the complaint or record, the city still has notice.

In responding to a complaint or record, it is important to do what you can and explain why you can't do more or do it sooner if a more comprehensive repair will be delayed. It is also important that cities not make a “knee jerk” reaction to every complaint.

After a complaint is received, the city should first look at the complaint area and the city's policy, inspect the sidewalk, and then decide what to do and when to do it. If necessary, a city can always reprioritize its repair or replacement schedule. Multiple falls or complaints about the same area may require a city to place a particular sidewalk or street higher on the schedule for replacement, attention, or repair

For additional information contact risk management services at **1- 800-228-0986** and select “**safety and risk control**” from the available options.

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