

Covered in Section 3...

- The importance of relating other plans and policies to the *DurhamWalks!* Pedestrian Plan
- Summary of plans, policies, and recommendations for improvements

Section 3. Existing Plans, Policies and Programs

This section reviews existing Durham plans, policies and programs that relate to pedestrian facility development, education and enforcement. The following items are reviewed:

- Durham Comprehensive Plan
- Unified Development Ordinance (UDO)
- Durham Trails and Greenways Master Plan
- Parks and Recreation Master Plan
- Design Guidelines Manual
- Subdivision Regulations
- Durham Code of Ordinances
- Durham Public Schools Site-Determination Policies

In addition, this section presents research on national and state policies concerning the retrofitting of sidewalks in existing neighborhoods. The purpose of this review is to identify pedestrian-related actions that are ingrained into the way that the City of Durham carries out public delivery of services, especially planning for new development, both private and public. By coordinating the actions across various policy and planning documents, numerous recommendations were generated to improve and strengthen the policies that ultimately translate into a better walking environment over time as new facilities, homes, and businesses are constructed.

The following information provides recommendations for making existing plans and policies in Durham more pedestrian-friendly. Some of these recommendations are being addressed in other parts of this Pedestrian Plan while others may be addressed through future revisions of the individual planning documents or policies that are referenced. Items that are addressed in the *DurhamWalks!* Comprehensive Pedestrian Plan are denoted by solid “bullets” (■) while the recommendations that should be addressed in other plans or policies are denoted by an empty “bullet” symbol (□).

3.1 Durham Planning Documents

Durham Comprehensive Plan (DCP)

In general, the DCP does an excellent job of setting policy, including pedestrian access in new development, consistent with the concept of organizing land use in the City in a series of tiered development zones of increasing intensity and varied character. The DCP communicates pedestrian access policy more strongly in terms of the development tiers and the character of development in each tier than it does in terms of meeting basic walking trip purposes. A full version of the DCP can be found at the City of Durham website, www.durhamnc.gov.

Recommendations

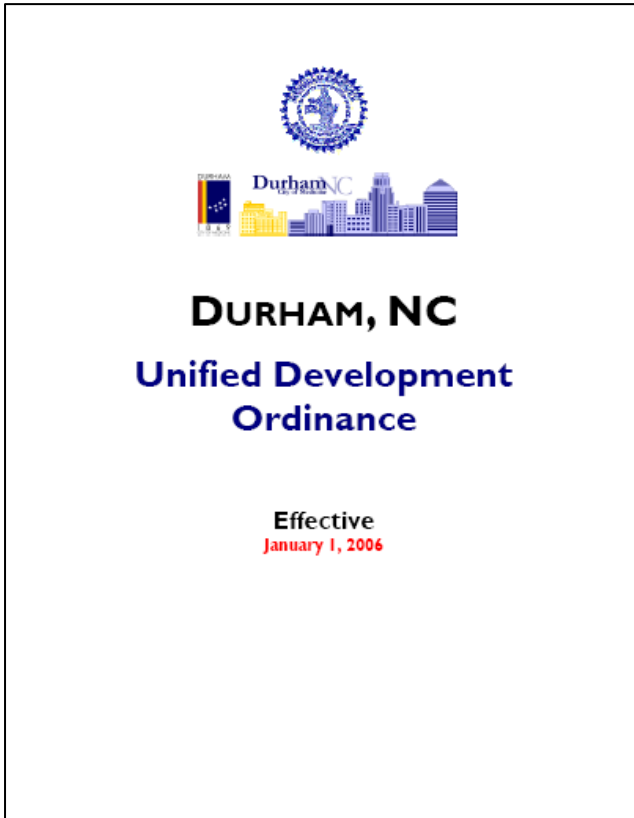
- There are numerous references to creating a *pedestrian-oriented environment*. The plan would benefit from a detailed definition of the term.
- More specific discussion of sidewalk design within and around parking facilities and community institutions such as schools is needed.
- The DCP should address connectivity of sidewalks, trails, and transit in order to create a continuous system. Also, the DCP should include discussion of removing or mitigating existing barriers to pedestrian travel, and how to avoid creating new barriers.
- A Safe-Routes-To-School program should be explored, especially given the inclusion of funds in the 2005 federal transportation reauthorization bill (SAFETEA-LU) that has passed Congress, as well as some past work with schools conducted by the City of Durham Transportation Division and various local organizations.
- How sidewalks should be provided in specific relationship to infill or redevelopment within an existing developed neighborhood should be addressed.
- The DCP does not specifically address the issue of walking on road shoulders in suburban and rural settings and/or where no sidewalks are available.
- The policy for crosswalks and other in-road pedestrian safety features is expressed mostly indirectly in the DCP. Policy details for these elements might be beneficial.
- The DCP could be strengthened to place more emphasis on the recreational and physical fitness values of trails as community resources independent of their linkage to other land uses.



- Pedestrian amenities can be equally important where sidewalks are provided in suburban settings for respite along long stretches of sidewalk, or safety such as lighting for evening walking. Some provision for Suburban Tier pedestrian amenities is recommended.
- The way the DCP is phrased it seems to require sound pedestrian access for rail transit while not acknowledging a need for pedestrian facilities to complement bus routes and stops. This could be clarified to address bus stops of varying patronage levels.
- The DCP should include a map of existing pedestrian/bicycle infrastructure and/or a map of a desired future interconnected bicycle and pedestrian circulation system, including sidewalks, trails, and recommended roadway walking routes.

Unified Development Ordinance (UDO)

The UDO provides for pedestrian access both in the context of the individual development tiers as established through the DCP and in terms of pedestrian features as a distinct element of any site development plan, regardless of location. The following tables, taken from the UDO¹, show sidewalk requirements:



Street Type	Rural Tier	Suburban Tier	Urban Tier	Compact Neighborhood/Downtown Tiers
Freeways	None	None	None	None
Major/Minor Thoroughfare	None	Both Sides	Both Sides	Both Sides
Collectors	None	Both Sides	Both Sides	Both Sides
Nonresidential Street				
At least 2,000 daily trips (post development)	None	One Side	Both Sides	Both Sides
Less than 2,000 daily trips (post development)	None	One Side	One Side	Both Sides
Residential Street	None	One Side	One Side	Both Sides
Cul-de-Sac				
400 or more linear feet	None	One Side	One Side	Both Sides
Less than 400 linear feet	None	None	One Side	Both Sides

Standard	Rural Tier	Suburban Tier	Urban Tier	Compact Neighborhood/ Downtown Tiers
PEDESTRIAN FACILITIES				
Public sidewalk, 5 feet minimum, all roadways (see Sec. 12.4.2, Sidewalk Requirement)	No	Yes	Yes	Yes
Pedestrian crossing treatment at intersections (marked crosswalk, bulb-out, hot button etc.)	No	Yes	Yes	Yes
Pedestrian routes in parking areas protected from vehicular traffic	No	Yes	Yes	Yes
BICYCLE FACILITIES				
Bike lanes on all thoroughfares, either 4-foot minimum width striped outside gutter edge or 14-foot outside lanes, determined on a case-by-case basis	Yes	Yes	Yes	Yes

The UDO also has provisions for connectivity within the pedestrian system, requiring connections from on-site pedestrian facilities to any off-site existing and proposed pedestrian facilities, including greenways, for all development². A full version of the UDO can be found at www.durhamnc.gov. Recommendations to clarify and strengthen the UDO for pedestrian access include:

Recommendations

- *Definitions:* The Definitions section of the regulations should include pedestrian-related terms.
- *Navigation:* Consideration could be given to putting all pedestrian facility requirements in one comprehensive section with cross references in other, related sections.
- *Applications and Permits:* Consideration should be given to including the overall connectivity and convenience of pedestrian circulation elements as an application review factor.
- *Establishment of zoning districts:* Safe, convenient pedestrian circulation facilities should be more comprehensively addressed within suburban tier zones (commercial developments) to reduce short vehicle trips and to acknowledge the need for safe roadway crossings where commercial nodes straddle major arterial roads.
- *District intensity standards:* The section emphasizes a continuous internal pedestrian system designed for ready access. It would strengthen these requirements to also place strong emphasis on connectivity outside a development boundary.

Trails and Greenway Definitions

Greenway: a system of trails in the City or County, which may be made up of trails, sidewalk trails, and/or recreation trails.

Trail: a 10 to 14 feet wide discrete section of hard-surfaced pathway, generally between major trailheads; a trail may or may not be included in a greenway system and may or may not include a section of sidewalk trail. Trails will be designed for the least possible environmental impact, especially in the County's Corridor System routes.

Sidewalk Trail Section: 8 to 10 foot wide paved section within or immediately adjacent to a roadway right-of-way; most sidewalk trails are included within a trail and thus do not have a separate name.

Street Trail: a designated connector between trails or greenways, consisting of a standard 5 foot wide sidewalk and a wide outside lane or bike lane on the roadway – trails in more rural areas may consist of a paved roadway shoulder only.

Recreation Trail: an unpaved trail, which may or may not be part of a greenway and can serve for hiking, equestrian use, or mountain biking; or a narrower paved trail contained within an urban park.

- *Design standards:* Additional pedestrian system standards (in addition to those for open space design and how trails may be included in required open space calculations should be referenced) are recommended.
- *Infrastructure and public improvements:* This section focuses on sidewalk design and might be strengthened by detailed requirements for other pedestrian circulation elements such as safe crosswalks, shade for sidewalks, and lighting. In addition, consideration should be given to linking sidewalk location and design requirements to the functional classification of streets which they border. In this way, the sidewalk design will be tailored to some extent to the intensity of vehicle activity on the adjoining streets.
- *Off-street parking requirements:* This section would benefit from much more detail on how pedestrian access must be incorporated into parking lot design.

Durham Trails and Greenways Master Plan

This comprehensive plan ("Trails and Greenways Plan") is an update and supplement to the 1988 *Durham Urban Trails and Greenways Master Plan*. The Trails and Greenways Plan recommends that five separate and distinct definitions for pedestrian facilities be standardized for use by the City and County in its planning and dealings with landowners and developers. From these definitions it can be understood that the Trails and Greenways plan addresses much of the pedestrian circulation system in Durham. The five definitions stated in the Trails and Greenways Plan are shown in the text box on the following page.

Recommendation

- It will be important to meld the goals, policies, and development priorities of the trails plan with those to be developed for the pedestrian circulation plan to achieve consistency of vision and approach for the overall pedestrian circulation system in Durham.

Parks and Recreation Master Plan, 2003-2013

This parks and recreation plan ("P&R plan") describes how the City of Durham will provide parks and recreation opportunities for a ten-year period. The plan works to merge long-established standards for "level of service" in recreation facilities and a newer practice of community standard-setting.

Recommendation

- The Level of Service Standards adopted in the parks and recreation plan, including those for trails and greenways, should be cross-referenced and/or incorporated into the UDO in sections where requirements for set-aside of open space are made.

Durham Design Guidelines Manual

The Durham Design Manual is a guide for developers, architects, landscape architects, planners, and property owners to facilitate the design approval process. It currently contains detailed information for the Downtown Design Overlay and the University-College zoning district. It includes design performance standards for pedestrian facilities. Design standards for other zones are not provided. A full version of the Durham Design Guidelines Manual can be found at the City’s website: www.durhamnc.gov.

Recommendation

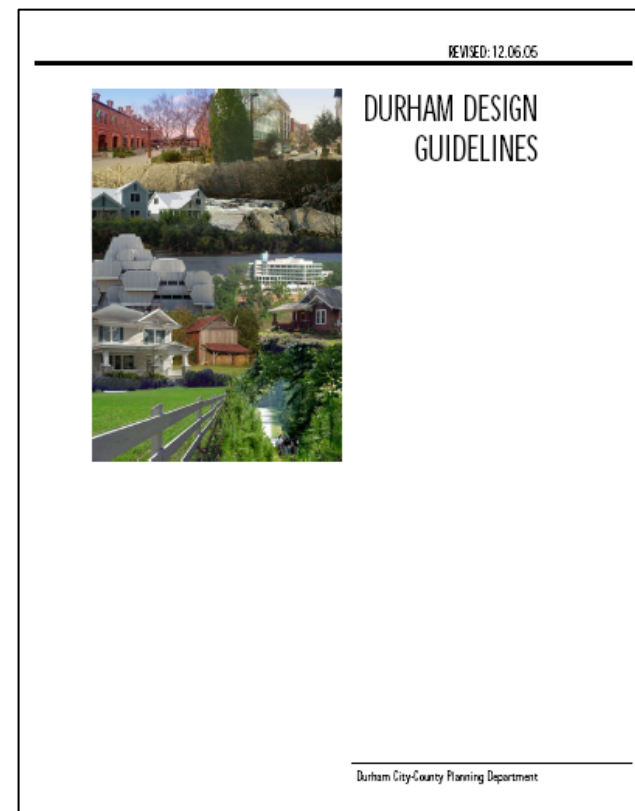
- The principles applied to the design of pedestrian facilities and access in this manual are largely applicable to any zone or district in Durham. As this manual has two sections reserved for future addition of information regarding other residential and non-residential development in Durham, it should, when fully developed, seek to provide a sound guide for pedestrian access for developments in all zones throughout the City and County. This should include specific design guidelines for suburban and rural areas both for sidewalks and where roadway shoulders may be used for walking. The Comprehensive Pedestrian Plan should lead the way in terms of establishing both on-street and off-street design standards, but it may be more convenient to have these included in the overall Design Guidelines Manual at some future point.

Subdivision Regulations

The Subdivision Regulations comply with the most current Durham zoning regulations (Section 2F). The UDO will absorb/replace the subdivision regulations once the current update is completed, including pedestrian provisions.

Recommendations

- *Section 2B - Exemptions:* The regulations could ask for an easement across new lots where a connection to any existing or future sidewalk or trails is desirable. Consideration should also be given to establishing some mechanism for tracking small subdivisions over time and planning for the City to provide connecting sidewalk or trail segments as needed within and between them.



- *Section 4A and B - Pre-application review conference:* The City should develop a subdivision site plan checklist (one that could include pedestrian facilities) to facilitate this process.
- *Section 4C and 4D – Preliminary and final plats:* Requirements for existing as well as proposed conditions information to be shown on plans should be expanded to include any sidewalk/trail elements contiguous with or near to the proposed development.
- *Section 5J – Design requirements:* Consideration should be given to making new sidewalks always required on both sides of any street.
- *Section 5M – Recreation lands:* The requirements for set-aside of recreation lands should be made consistent with the LOS standards developed for the Parks and Recreation Master Plan.
- *Section 5Q - Cluster Development:* This section should be expanded to include requirements for convenient and safe pedestrian connectivity between new set-asides of open space and residences as well as other existing open space.
- *Section 6G – Construction standards:* Similar to other comments, a single source of design standards should be referenced, rather than several possible sources.
- *Section 7D – Preliminary Plats:* The process for the referral of proposed developments to the correct agency, particularly for greenways and trails, would benefit from clarification.
- The City of Durham has a process by which a developer can pay a fee in lieu of construction of sidewalks in a development. The description of the circumstances under which this is permissible should be clarified.

Durham Code of Ordinances

The Durham Code of Ordinances codifies all of the regulations for the City of Durham. In addition to the subdivision and zoning regulations, the Code includes two other chapters or articles that refer to sidewalks and trails.

Recommendations

- *Article 18 – Streets and Sidewalks* – This ordinance seems to contradict, to some degree, the desire expressed in the zoning regulations for trees to provide shade over a sidewalk for pedestrians. It is recommended that the intent of this ordinance to prevent hazardous conditions be clarified and reconciled with the zoning regulations language relative to sidewalk shade.

- *Chapter 25 – Street, Parks, and Recreation and Open Space Land Impact Fees:* This ordinance could be strengthened to better provide funding for pedestrian access. Sidewalks and other pedestrian facilities that are not part of a trail or greenway should be included as items the fees will cover.

Durham Public Schools Site-Determination Policies

School location, design, and traffic zones are also critical policy decisions for pedestrians. In Durham, these policy decisions are made by the Durham Public Schools Board of Education. Currently, the Board of Education takes into account the following provisions when siting new school locations, but does not include any specific considerations for pedestrian access and safety:

1. The expanding and/or changing educational program of the district.
2. Relations with the total community and projected developments in those relationships over the years.
3. Change in demographics.
4. Community planning and zoning.
5. Financial ability of the school district.
6. Safety and welfare of the pupils.
7. Relationship between the projected new facilities and those already in existence.
8. True economy reflecting full value for each tax dollar expended.
9. Planting and site aesthetics as they affect the education of students and in keeping with city/county planning ordinances.
10. Input of site-based committees.

It is recommended that any new school placement be in a location near to residential areas and with well-marked, safe pedestrian access. Given the recent epidemic in childhood obesity, it is critical that children develop an active lifestyle at an early age. This can be encouraged by creating opportunities for utilitarian exercise through activities such as walking to school.

3.2 Policies

State and Federal Guidance

The Federal Highway Administration has released policy-level guidance concerning bicycle and pedestrian facility considerations (<http://www.fhwa.dot.gov/environment/bikeped/design.htm#d14>), last updated in 2003. Of particular value is the reference section, containing several valuable design references for both bicycle and pedestrian facilities. Although a general document, this guide does notably include the statement that safe and convenient bicycle/pedestrian facility considerations in future roadway improvements should be the norm, not the exception. In Durham, it is expected that all new roads – federal, state, city, or developer-funded – will have sidewalk on both sides of the street and will also include bicycle facilities.

The North Carolina Department of Transportation (NCDOT) has had an adopted policy on the provision of pedestrian facilities since 1993, and has provided accompanying guidance (http://www.ncdot.org/transit/_bicycle/laws/laws_pedpolicy.html). This guidance discusses incidental projects (those projects that are included as part of a roadway project). Notable features of the NCDOT policy include:

- A sliding funding scale for sidewalk construction (Durham, being over 100,000 in population, is required to match 50% of the construction costs).
- Requirement to have right-of-way in fee simple ownership or in easement if not already within the berm width of the roadway.
- Bridges of less than 200' in length scheduled to be built or replaced will have sidewalk on both sides funded by NCDOT; bridges over 200' will have sidewalk on at least one side of the structure. This is true only if curb-and-gutter is present on both approaches leading to the bridge.
- There is no funding cap on the project cost, although “betterment” costs (e.g., decorative pavers) will be borne by the municipality.

Recommendations

- Requiring municipalities to cost share on one type of transportation facility but not on another introduces artificial bias towards the “free” facility. While municipalities are required or are encouraged to share in certain aspects of highway construction such as utility relocation, right-of-way preservation, or on-site wetland mitigation, there is no direct cost to the municipality for

constructing a roadway. Hence, it may be less costly for a municipality to see an eight-lane, multi-million dollar freeway 10 miles long programmed in the State TIP than 2,000 feet of sidewalk. The recommendation is to include sidewalk facilities as the norm in roadway construction and widening unless an unsafe situation is introduced by including pedestrian facilities (and further discussion is warranted to determine the definition of “unsafe situation”). This would bring NCDOT in agreement with federal guidance on this point and potentially alleviate a considerable amount of unnecessary disagreements during the formulation of transportation improvement programs.

- The NCDOT has an adopted administrative process dating back to 1994. Updating this policy in light of the increased emphasis on context-sensitive solutions is one recommendation. In addition, clarification should be provided on the criteria for when NCDOT will include grade-separated crossings for future roadway development.
- Considerable work needs to be done to include rural, unincorporated areas into the pedestrian policy. Since counties are not generally allowed under existing North Carolina State Statute to hold road rights-of-way, they typically do not participate in any transportation construction or maintenance activities, including sidewalk maintenance. This issue needs to be cooperatively addressed between a collective agreement of municipal, county, and state officials to arrive at a satisfactory conclusion on issues such as construction specifications outside of municipal urban growth areas; and construction and maintenance of facilities in rural areas.
- The justifications for sidewalk construction on bridges should be clearly indicated, and some flexibility on the need for curb-and-guttering on bridge approaches should also be added and defined in the State’s policy³.
- Consolidating project selection criteria and TIP funding process documentation into a single source document would help people locate this information.
- The federal (USDOT) pedestrian guidance also warrants some additional clarification, such as what constitutes “convenience” to a pedestrian. While the guidance needs to respect the individuality of all state departments of transportation, it should also recognize the authority of metropolitan and rural planning organizations in the identification and local policies pertaining to pedestrian facility programming and development. When contacted, USDOT staff indicated that this as yet unnamed guidance would be updated as part of an overall effort related to the passage of the federal transportation reauthorization bill (SAFETEA-LU), but that it might be some time before the update occurs.

Durham: Sidewalk Construction and Repair Policies

There are several methods for sidewalk construction in Durham: new sidewalk through a bond package, new development and sidewalk payment in lieu fees, and the sidewalk petition process. Durham's Bicycle and Pedestrian Advisory Committee webpage maintains a complete and updated policy statement, which can be found at: www.dbpac.dchcmo.org.

Bond Packages (the New Sidewalk Construction Program)

Durham has had two major sidewalk construction bond packages within the last ten years. The first, passed in 1996, established a New Sidewalk Construction Program to provide for construction of new sidewalk serving pedestrians using the public right-of-way. The program was originated by City Council, with an objective of constructing sidewalk on at least one side of all major and minor thoroughfares within the core area of the city. The total budget for the project was \$3.5 million dollars, which was exhausted in 2005. A new bond package was approved in 2005 for \$5 million dollars in sidewalk construction and repair - \$2.1 million dollars in new sidewalk construction, \$2.4 million for repair and \$500,000 for construction of curb ramps and other items to bring Durham into compliance with the Americans with Disabilities Act.

New Development & Sidewalk Payment in Lieu

Sidewalks are required to be constructed as part of the approval of every new development plan or site plan submitted to the City. According to the City's Unified Development Ordinances, sidewalk must be constructed on both sides of major and minor thoroughfares within the "urban growth area" (UGA). For other roads within the UGA, sidewalk must be placed on at least one side of the road. Subject to the approval of the Development Review Board and only under specific circumstances, a fee can be paid rather than construct sidewalk along the public right-of-way. The current rate of Sidewalk Payment in Lieu is set at \$20.00 per linear foot, less the sidewalk assessment rate which is \$5.00 per linear foot. This yields a Payment in Lieu rate for sidewalk of \$15.00 per linear foot along the frontage of the subject lot. Sidewalk Payment in Lieu fees are placed into a fund intended for sidewalk construction and maintenance.

Sidewalk Petition Process

The Sidewalk Petition Process is a method whereby citizens have the opportunity to request a sidewalk at any given location. The petition process is administered through the Engineering Division of the Public Works Department. The following is a description of the process:

- An individual requests a petition from the City. This individual will serve as the “petition sponsor”. As a part of the request the sponsor outlines the limits of the area to be served. They indicate the starting point and ending point of the sidewalk and on which side of the street. Typically the sidewalk does not begin mid-block, but is begun and ended at street intersections and includes complete blocks. For example one set of limits could be "Markham Ave (north side) between Ninth Street and Broad Street." Once the limits have been determined, the City prepares a petition for the sponsor to circulate. The petition sponsor is responsible for securing signatures for the petition.
- The petition must be sufficient on two criteria, with “sufficient” being defined as signatures from more than 50 percent of the property owners within the project limits. First, the petition must be signed by a majority (50%+) of the property owners adjacent to the proposed improvement. Second, the signers’ properties must represent the majority (50%+) of the road frontage involved in the requested project. Once completed, the petition is returned to the City’s Engineering Division and researched to determine if it is sufficient.
- If the petition is sufficient, it is taken to City Council for action. A public hearing is held to consider the issue. Assuming Council approves the project, it is returned to Engineering for design and placement into a contract once it has been funded.
- When the project is complete, the adjacent property owners are assessed a portion of the project costs. The current assessment rate for sidewalks is \$5.00 per linear foot. There may also be an additional \$20 per linear foot assessment for curb and gutter in situations if curb and gutter installation is necessary. This assessment can be paid at the time it is levied or it can be paid out in annual installments over 5 years at 9% interest.

The City has very limited funding each year for sidewalk projects outside of a bond package. Once a project is ordered by Council it may still take several years before it is actually constructed.

Sidewalk Repair

Funding for sidewalk repair is requested annually as a part of the budget process. Historic funding levels have been approximately \$100,000 per year. In addition, the 2005 bond package includes \$2.4 million intended for sidewalk repair and replacement.

ADA Wheelchair Ramps

Funding for installing wheelchair ramps in sidewalk locations without ramps is requested annually as a part of the budget process. Historic funding levels have been approximately \$100,000 per year. In addition, the 2005 bond package includes \$500,000 for ADA compliancy-related construction.

Comparison with Similar Cities

This section presents examples of how other cities in the United States approach their sidewalk improvement programs, including how residents request new or replacement sidewalks and what percentage of the costs are passed along to the adjacent land owners. Cities were selected based on similar population sizes to Durham. To facilitate an easier comparison with Durham, basic demographic data are provided for each representative city in Table 3-1⁴. This comparison is intended to guide recommendations for changes to Durham’s sidewalk construction and repair policies.

Table 3-1. Comparison of Various Municipal Sidewalk Installation Assessments.

City	State	Population (Year 2000)	Land Area (square miles)	Median Household Income (Year 2000)	Total Cost of Project Assessed to Property Owner
Durham	NC	187,000	94.6	\$41,000	<10%
Asheville	NC	69,000	40.9	\$36,000	0%
Baltimore	MD	651,000	80.8	\$30,000	100%
Charlotte	NC	542,000	242.3	\$47,000	0%
Chesapeake	VA	200,000	340.7	\$51,000	0%
Dayton	OH	166,000	55.8	\$27,000	100%
Fayetteville	NC	121,000	58.8	\$36,000	>50%
Knoxville	TN	174,000	92.7	\$27,000	100%
Madison	WI	208,000	68.7	\$42,000	50%
Manchester	NH	107,000	33.0	\$41,000	50%
Richmond	VA	198,000	60.1	\$31,000	0%
Rochester	NY	219,000	36.0	\$27,000	100%
Winston-Salem	NC	185,000	108.9	\$37,000	Varies by project

Asheville, North Carolina

The Asheville Pedestrian Plan lists priority streets, based on a number of criteria, where sidewalks are most needed. Six criteria are listed: zoning jurisdiction; proximity to schools, parks and community

centers; proximity to transit stops; needed linkages to complete a pedestrian thoroughfare or address a safety concern; feasibility of construction; major thoroughfares and connectors. Although the City has a program to construct new sidewalk on existing streets when requested by citizens, it is almost never used.

All new development is required to have sidewalks adjacent to their development (e.g., on one side for new internal streets, and, if the development is 20 or more houses, on adjacent public streets as well). New apartment complexes with greater than 10 units are required to install sidewalks on adjacent streets. A consistent criticism is that there are significant gaps and “sidewalks to nowhere.” If a site is being redeveloped, then new sidewalks are required only if the value of the renovation is greater than 50% of the existing property-plus-building value. The requirement for new sidewalk construction has only been in place since 1997, so gaps are only now getting connected to the system.

Fee-in-lieu of sidewalk construction is allowed, but only in certain circumstances, such as when the street is not on the pedestrian thoroughfare plan (City of Asheville Pedestrian Plan). The developer always has the option of building the sidewalk, but in the cases where the Pedestrian Plan has not designated a road as a pedestrian thoroughfare, then the developer has the option of fee-in-lieu. The fee-in-lieu program charges \$20/linear foot for sidewalk, but will soon be updated, in part based upon a recommendation made in the Pedestrian Plan. If there is no curb-and-gutter in place, then the developer has to pay and/or install curb-and-gutter at \$17.30/linear foot.

Baltimore Maryland

Sidewalk installation, repair and maintenance in residential areas are the responsibility of the Baltimore homeowner. The city will install new sidewalks or repair deficient sidewalks, and then bill the homeowner for 100% of the costs.

Responsibility for new sidewalk construction in commercial areas (e.g. downtown/harbor) is determined on a case-by-case basis. A site visit is required to determine whether new sidewalks will be installed by the City or by the property owner/developer.

Commercial areas are treated the same as residential areas with regards to sidewalk repair:

1. If the sidewalk is damaged due to tree roots or utilities, then the City will repair it at no cost to the property owner
2. If the sidewalk is damaged due to ‘wear and tear’, then the property owner is responsible

In cases of sidewalk repair: after a complaint is received, an inspection is made of the entire block. If warranted, a violation notice is issued to the property owner(s). On the violation notice, the property owner(s) is notified that they can contract to have the work done or the City can do the work (when funding permits) and then bill the owner.

[Charlotte, North Carolina](#)

Charlotte has a new sidewalk policy in effect, which includes a ranking system to help prioritize sidewalk installation projects. If traffic volume is under 3,000 vehicles per day, a two-step process includes a nomination and a petition. If the location is near a school or a park in this category, then neither is required (just a verbal request from the neighborhood is required to initiate the process). If it is not near a school or a park, then a nomination form and petition is required; 25 percent of the property owners for lots fronting the street on either side of the project must sign the petition in order for the City to process and then rank the nominated project. When the project reaches the top of the ranking list, meetings are then held in the community for the top 10 projects.

A second petition of 60 percent of the lots fronting the street is required to receive funding for the project (this is the same percentage that the City uses with their traffic calming program). The City has a \$5 million budget for sidewalk projects: \$2.5 million is allocated to thoroughfares and \$2.5 million is allocated to residential streets. If the residents choose to fund the project themselves, then the petition requires 51% of the property owners abutting the street to sign. A public hearing is also required for approval. If approved, then ALL property owners are assessed on both sides of the streets. Curb-and-gutter is not required for retrofitted sidewalk construction, but instead is determined on a case-by-case basis. Assessments for retrofitting sidewalk typically fall into the \$100-\$200/linear foot, with the assessment determined on a case-by-case basis.

[Chesapeake, Virginia](#)

Requests for sidewalk repairs are handled through the public works department, and the city pays 100% of the repair costs. The City does not install new sidewalks; the homeowner or developer is fully responsible for any new sidewalk construction.

Dayton, Ohio

Homeowners in Dayton can get sidewalk improvements completed in two ways. First, they can hire a private contractor and pay for the work directly. In that case, the city's only involvement is issuing a permit and inspecting the forms before the concrete is poured. The other option is through the sidewalk repair program, which is part of the city's asphalt replacement program. Because property owners are responsible for sidewalks in front of their property, they will receive legal notices that the work will be completed by the city and they will be responsible for the bill (100% of costs are passed to the homeowner, except for costs related to adding ADA compliant wheelchair ramps). If the homeowner doesn't pay the bill within 12 months, the city's charter allows the charges to be assessed to the property tax bill.

Approximately 30% of city streets lack sidewalks and curbs and gutters. If all the homeowners on a block petition the city to add sidewalk and curb, the city will provide an estimate to the homeowners on their cost (100% assessable). In every case so far, the homeowners have dropped the idea after seeing how much the work would cost – approximately \$7 per square foot (\$35/linear foot) for sidewalks and an additional \$25-30 per linear foot for curb and gutters, if required.

Fayetteville, North Carolina

Although property owners are only assessed \$5/linear foot of sidewalk, no one has taken advantage of this program (which requires 51% of adjoining property owners to sign a petition) in the six years since it has been in effect. Payment-in-lieu fees are \$22/linear foot, an option seldom chosen by developers since they feel that they can install the sidewalk more inexpensively during development themselves.

Knoxville, Tennessee

The City of Knoxville pays 100% of sidewalk installation and repair costs. Requests are prioritized, based on available budget. All projects exceeding \$10,000 require a separate contract under the City's capital improvement project program.

Madison, Wisconsin

New sidewalks or curbs and gutters in Madison are 100% assessable to the homeowner. Homeowners desiring new sidewalks or curbs and gutters petition their alderperson, who then circulates a contract that must be signed by affected property owners. The construction job is then

awarded to the low bidder. Replacement sidewalks or curbs and gutters are petitioned in the same way, except the city rebates 50% of the cost (approximately \$2-2.50 per square foot (or \$10 - \$12.50/linear foot) for sidewalks, \$17-18 per linear foot for curb and gutters) at the completion of the job.

Manchester, New Hampshire

In Manchester, adjacent property owners must sign a petition requesting new sidewalks, and pay 50% of the costs through an assessment.

Richmond, Virginia

The City of Richmond bears the full costs of sidewalk installation, replacement, and repair – except in certain cases of planned unit developments, where the costs are borne by the developer. This has resulted in a backlog of several thousand requested sidewalk replacement projects, which far outstrip the city’s sidewalk maintenance budget of approximately \$1.5 million dollars per year. The city does have an additional capital allocation budget of approximately \$200,000 that it can use to outsource sidewalk repair and replacement work. While these are funds for maintenance projects, there is currently no funding for constructing new sidewalks on existing roads in the city, though sidewalk sections may be installed as part of roadway realignment or neighborhood redevelopment projects.

Rochester, New York

In Rochester, the property owner pays 100% of the cost of sidewalk repair, except if a hazardous condition exists, in which case the city will pay for the work. In either case, the city performs the sidewalk repair or replacement. Additionally, all property owners pay an annual fee of \$0.33 per linear foot of frontage as part of their property taxes to offset city maintenance costs.

Winston-Salem, NC

Residents pay a cost assessed on a case-by-case basis, although recent bond programs have allowed the City to construct sidewalks at no cost to the residents. Although there is no requirement for private developers to construct sidewalk as part of new development now, the City is working on making ordinance revisions to change that arrangement. Winston-Salem has raised the vehicle property tax rate by \$10, half of which will be used to fund new pedestrian projects (\$600,000 - \$1,000,000 annually).

Recommendations

- Capital Improvements Program: It is recommended that Durham allocate a consistent level of funding out of their yearly Capital Improvements Program to construction of sidewalk and other pedestrian-related facilities. Currently, Durham must pass a bond in order to perform necessary sidewalk and pedestrian projects as well as address some routine maintenance needs. This makes it difficult to plan for future projects and provide consistent service to the City's citizens. As can be seen in the review of other cities, many cities with successful pedestrian programs, including Charlotte and Winston-Salem, have allocated funding in their budget each year to pedestrian-related activities. A consistent source of funding is necessary in order to plan for and prioritize pedestrian facilities, as well as reinforce the City's commitment to pedestrian-friendliness.
- Payment-in-Lieu: This Plan proposes a change to the payment-in-lieu fee, whereby \$65 per linear foot is the new charge. The reason for this recommended cost increase is to incorporate the real cost of sidewalk with curb and gutters, as well as any other related construction improvements.
- Petition Process: Advertise and promote the sidewalk petition process, so that Durham residents can be made more aware of the options available to them for requesting sidewalk. Develop an online request form and maintain a list of requested sidewalk projects online.

¹ Durham, NC Unified Development Ordinance: Sections 12.4.2 and 12.4.5. Effective January 1, 2006.

² Durham, NC Unified Development Ordinance: Sections 12.4.4.a and b. Effective January 1, 2006.

³ Department of Transportation Pedestrian Policy Guidelines. Item number 6. Effective October 1, 2006.

⁴ Sources: (1) Memorandum by Fitzgerald & Halliday, Inc. dated 10.21.2005; and (2) independent research conducted by The Louis Berger Group, Inc., 2005.

THIS PAGE LEFT INTENTIONALLY BLANK.

