Board of County Commissioners

Leon County, Florida
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Agenda Item
Executive Summary

Tuesday, June 09, 2009

Title: Acceptance of a Status Report on the Leon County Sidewalk Program and its Guiding Policies
Staff: Parwez Alam, County Administrator Alan Rosenzweig, Assistant County Administrator Tony Park, P.E., Director of Public Works

Issue Briefing:
In response to Board direction provided at its April 9, 2009 regular meeting, this item is a status report regarding the Leon County Sidewalk Program and the policies that direct staff in its implementation.

Fiscal Impact:
This item has no fiscal impact.

Staff Recommendation:
Option #1: Accept the status report on the Leon County Sidewalk Program and its guiding policies.

Report and Discussion

Background:
On October 26, 1999, the Board ratified actions taken at its October 12, 1999 Intersection Improvements/Sidewalk-Bikeways & Traffic Calming Programs Workshop (Attachment #1). Of primary interest to this discussion, the ratification accomplished the following:

1. Merged the three programs (Sidewalks, Bikeways, and Traffic Calming) into one program, entitled the Community Safety and Mobility Program (CSAM).
2. Directed that sidewalks and bikeways will only be built in the unincorporated areas to link neighborhoods within one mile of a school or when the sidewalk is considered essential to a traffic-calming project.
3. Directed that when sidewalk or bikeway projects are proposed within the Urban Services Area (USA), the project must be presented to the Board for approval.
4. Established three tiers of priority for such projects: 1) Schools, 2) Traffic-calming, and 3) other projects.

On May 16, 2000, the Board approved proposed modifications to the CSAM that included revising the tier priorities to make sidewalks that serve County parks the second tier of priority.

On November 18, 2003, the County entered into an Interlocal Agreement with the City of Tallahassee (COT) and the Leon County School Board (LCSB) regarding Public School Facility Planning (Attachment #2). In this Agreement, the three agencies agreed that sidewalk access to schools would be a top priority.

On June 8, 2004, the Board ratified actions taken at its May 11, 2004 Bike-Pedestrian Master Plan (BPMP) workshop. Issues significant to this discussion that were addressed by this action were:

1. Programs and projects that show connecting projects within two miles of a school were to be identified. This action was in response to the fact that the proposed Master Plan did not place top priority on school access.
2. The potential fiscal impacts to Leon County, associated with County construction of sidewalks on roads within the City limits, were to be evaluated. The proposed Master Plan assumed that the County would build such projects, which would violate 25 or more years of County and City statutory agreements that stated the County would not construct sidewalks within the City limits.

On September 27, 2005, the Capital Region Transportation Planning Agency (CRTPA) adopted an "Access to Schools" priority list of sidewalk projects and amended the BPMP to reflect that priority list. This project list reflected the Leon County School Board's sidewalk priorities that were developed by the LCSB in a joint effort between the LCSB, City, County, and State. On March 29, 2005, the LCSB approved the list for this CRTPA action (Attachment #3).

Analysis:
The Fiscal Year 2008/2009 County Budget includes a Capital Improvement Project (CIP) entitled Community Safety and Mobility. The project description is as follows:

> *This project is for the planning, design and construction of sidewalks, bikeways and traffic calming devices. Upon special approval from the Board, it can also be used to acquire rights-of-way necessary for the construction of these facilities. Funding for the "Access Now" infrastructure corrections and continuation of the traffic calming program are also included. The sidewalk component is prioritized using access to schools as the first level of priority, access to parks as the second level of priority and other requests as the third level of priority.*

This CIP is currently funded at $500,000 per year. The balance of the account, as of May 2009, was $1.8M. With the current rate of project development, it is expected that this balance will be expended or committed to contracts prior to October 1, 2009. Of this balance, $50,000 is allocated for payment to the City of Tallahassee as the County's responsible costs relative to the Access Now lawsuit settlement.

Projects Completed as of October 1, 2009
Table 1 reflects projects completed since 1999 under the CSAM Program. Costs indicated are actual costs at the time of project construction.

Table 1.

Road Name	Facility Served	Length (FT)	Cost
Pimlico Drive	Roberts	11,510	$575,742
Ross Road	Oak Ridge	2,680	$78,794
Aenon Church Road	Gum Road TPA	3,205	$347,185
Tower Road	Tower Road Park	2,827	$25,302
Pedrick/Buck Lake/Walden	Buck Lake Elementary	15,453	$1,032,195
Deerlake	Killearn Lakes Elementary	4,814	$93,155
Greenland Drive	Killearn Lakes Elementary	2,188	$17,736
Killearn Commons Unit II	Killearn Lakes Elementary	4,476	$41,511
Sharer Road	Sealey Memorial Elementary	1,684	$64,612
Perkins	Canopy Oaks	1,400	$18,437
Tram Road	Fairview	4,100	$63,925.00
		50,237	**$2,358,593**

Sidewalks Constructed as a Part of Other Capital Improvement Projects

Table 2 reflects sidewalk installations that were completed as a part of other Capital Improvement Projects by Leon County. Sidewalks are routinely added when major construction projects are developed, except where excessive additional right of way is required only for the sidewalk.

Table 2.

Capital Improvement Project	Length (FT)
Lake Bradford Road Bike Lane	5,537
Orange Avenue	18,410
Buck Lake Road	8,400
Timberlane Road	583
Miccosukee Rd	24,288
	57,218

Access to Schools Priority List Projects to be Completed

The LCSB identified priority projects for access to schools that have not been completed and which will be addressed as budget funds become available are presented in the Table 3. Note that this list identifies projects that are only outside of the City limits. Costs estimates shown in this report are based on an average cost of $150 per linear foot of sidewalk. This cost includes, in addition to the cost of concrete pavement only ($40/lf), costs for design, permitting, stormwater facilities, handrails, and other appurtenant project components.

Table 3.

Road Name	Facility Served	Length (FT)	Cost
Fred George Road	Springwood	4,841	$726,000
Kinhega Drive	Killearn Lakes, Deerlake, Chiles	7,519	$1,128,000
Deerlake Road S/W	Killearn Lakes, Deerlake, Chiles	17,764	$2,665,000
Chaires Cross Road	Chaires	4,876	$731,000
Timberlane School Road	Gilchrist	1,035	$155,000
		36,035	**$5,405,000**

Sidewalk Projects to be completed utilizing Federal Stimulus Funding

The following projects were deemed acceptable for funding with Federal Stimulus funds (Table 4):

Table 4.

Road Name	Facility Served	Length (FT)	Cost
Dempsey Mayo Road	Moore	4,710	$342,893
Velda Dairy	DeSoto	5,923	$484,376
Perkins Road	Canopy Oaks	412	$97,738
		11,045	**$925,007**

Sidewalk Projects by Private Development

Leon County development regulations require that sidewalks be constructed as a part of most new development within the Urban Services Area (USA). A partial listing of projects since 2004 demonstrating the impacts of this regulatory requirement on the sidewalk system with Leon County is presented in Table 5:

Table 5.

Development	Length (FT)
Fallschase Commercial	8,200
Pebble Brooke	7,154
Montejo	2,433
Jordan Pass	3,770
Rivers Landing Phase I	5,304
Sagebrook Mill	2,037
Velda Oaks Plantation	1,981
Sable Chase	2,856
Cavendish Cove	666
Pine Laurel	1,138
Killearn Lakes Plaza	770
	36,309

Issues Impeding the Progress of Sidewalk Development in Leon County

Funding

Funding is always the major limiting issue with construction of any infrastructure. It is currently expected that, by the end of this fiscal year, all budgeted funds for sidewalks will have been expended or committed to construction contracts addressing remaining projects on the Access to Schools Priority List (Table 3). The recent history of budgeting versus expenditures for the CSAM is presented in Table 6. The expenditures shown are predominantly related to sidewalks, but some funds were also expended for Traffic Calming.

Table 6.

Funding History		
Year	Budgeted Funds	Expenditures
2002	254,000	219,000
2003	300,000	276,000
2004	250,000	133,000

2005	750,000	142,000
2006	500,000	1,052,000
2007	500,000	152,000
2008	1,200,000	112,000
2009	500,000*	2,114,000*
Totals	$4,254,000	$4,200,000

** Projected*

Most County Sidewalk Projects Require that existing roads be Retrofitted
When new roads are designed and constructed, it is relatively easy to identify and set aside a corridor for sidewalk construction and to place other roadway features in a manner that conforms to the sidewalk. When a sidewalk project is proposed for an existing roadway, there is usually no corridor available and in many cases there is severely limited right of way. Shoulder grades, ditches, utilities, and other roadway features typically are not readily conducive to sidewalk placement. It has been staff's experience that the typical design process is not suited for this type of construction because the details of the conditions found in the field cannot be properly translated to paper for an in-house design. The solution to this problem, that is working very well, is to perform a limited conceptual design sufficient for permitting and bidding, and then have staff work with the contractor on-site, essentially designing every foot of sidewalk in the field. Public Works works with a continuing supply contractor for sidewalk construction because this contract gives us the flexibility to accomplish the on-site design and construction.

City / County Disagreement Relative to Responsibilities – County Roads Inside City Limits
Prior to 2004, the City and County staff had a clear understanding regarding sidewalks in County rights-of-way inside the City Limits. The City acknowledged responsibility for maintenance of such facilities and/or the construction of new facilities. During the development of the 2004 BPMP, however, that status changed, with the City staff asserting that the City was not responsible in any way for sidewalks on County roads inside the City Limits. In ensuing years, the discussion continued over this subject and, at one time, an Interlocal Agreement was proposed to resolve the issue. Before that agreement was completed, however, the City and County Attorneys agreed to submit the question to the State Attorney General for resolution, with both parties agreeing to abide by the Attorney General's ruling.

In summary, the Attorney General's opinion stated that the status that had existed prior to 2004 was correct, and that the City is responsible for maintenance and/or construction of new sidewalks in County rights-of-way inside the City Limits. While this issue has not been an impediment to sidewalk development within the unincorporated area of the County, it has been an issue absorbing staff time and attention.

Environmental Permitting
The 1999 action by the Board implied that permits were not to be required except if a project met certain criteria. The established criteria, however, was not sufficiently clear for enforcement and, as a result, most sidewalk projects undertaken by the County have been constructed in accordance with environmental permits. These requirements typically require that stormwater issues be addressed, either by treatment or storage. To avoid having to acquire property for stormwater facilities, the usual solution is to install ditch blocks in the roadside ditches to provide the stormwater functions. Due to roadside ditch configurations and limited right-of-way, however, this issue has delayed and complicated several projects to date, and could possibly prevent a project from being built. It is noted that the only agencies having permit review of such projects are the Northwest Florida Water Management District (NWFWMD) and the County's Growth and Environmental Management Department (GEM). The NWFWMD has established a process whereby most sidewalk projects are routinely exempted from permits. GEM is working on proposed Code revisions that would also provide for permit exemptions for such projects.

Canopy Roads
Canopy Roads are areas where County citizens have an interest in having sidewalks, and Code and Comprehensive Plan do not preclude sidewalks. The general concept, however, is that the sidewalk should meander around trees and other canopy road features. Unfortunately, in most instances, the County does not own the canopy road right-of-way, and actually only has maintenance rights from back of ditch to back of ditch. The area where the sidewalk would meander is private property and easements or ownership would have to be acquired before a project could go forward, typically escalating costs to a level that precludes the project.

An example of this is the segment of Miccosukee Road from Ginger Drive to Fleischman Road. This has been a segment where repeated requests for sidewalks have been made. However, by the time right-of-way is acquired for sidewalks and stormwater facilities, the project cost quickly exceeds $1 million.

Maintenance and ADA
Some of the County sidewalk system is aging such that maintenance costs are becoming an issue. In addition, the American Disabilities Act (ADA) has come into existence since the County sidewalk program was initiated. The ADA provides requirements and standards for sidewalk construction that must be complied with when roads are reconstructed or sidewalks are significantly maintained.

An example of this is the Ross Road sidewalk that was reconstructed late last year for maintenance and to bring it up to current ADA requirements. Of the total 4,695 feet of sidewalk on the road, approximately 2,680 linear feet of sidewalk was replaced and $78,794 of sidewalk funds was expended to accomplish this project.

City of Tallahassee's Sidewalk Program

The City of Tallahassee has maintenance crews on staff dedicated to sidewalk maintenance and replacement and occasional new sidewalk construction. They also follow the BPMP and the LCSB's priority list for prioritizing their construction activities, as well as call for sidewalk construction on new roads, private or public.

Summary and Conclusions

County staff believes that the current and on-going Leon County Sidewalk Program, as encompassed by the CSAM, inclusion in major CIPs and development regulations, is making proactive gains in the development and maintenance of sidewalks in Leon County.

Options:

1. Accept the status report on the Leon County Sidewalk Program and its guiding policies.
2. Do not accept the status report on the Leon County Sidewalk Program and its guiding policies.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. Intersection Improvements/Sidewalk-Bikeways & Traffic Calming Programs Workshop
2. Interlocal Agreement for Tallahassee-Leon County and Leon County Schools Public School Facility Planning
3. "Access to Schools" priority list

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