

Legislation Text

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December 18, 2003

To the President and Members of the City Council of Philadelphia:

I am herewith returning to you as disapproved Bill Number 030714, which shifts primary responsibility for the repair of sidewalks from the adjacent property owner to the City, changes the process governing the grading, paving, repaving, or repair of, and revises the assessment of property owners for the costs of such work. It does so by capping at 30% the adjacent property owner's liability for the cost of sidewalk repair. While I recognize that deteriorating sidewalks are, indeed, a problem for many property owners in the City, I cannot support this bill.

This bill eliminates the City's ability to compel property owners to repair their sidewalks and instead, creates for the City primary liability for sidewalk repair. Thus, the City becomes responsible for every slip and fall case and twisted ankle that might result from inadequate sidewalk repair. Currently, those costs are born by property owners most of whom are insured. While the City defends *hundreds* of sidewalk cases annually under the current ordinance, under this bill the number of cases will increase substantially and the cost to defend the City against potential claims and the potential financial liability for the City would be crippling. At the same time, private insurance companies are relieved of their current responsibility and financial risk.

In addition to the overwhelming cost, the proposed legislation also presents other challenges. Presently, the City does not have the number of employees necessary to patrol, uniformly, the various sidewalks of the City. If we relied on complaints about these problems, unfair enforcement of this effort may result.

The Streets Department has estimated, based on computer mapping, that there are approximately 2300 miles of streets in Philadelphia and approximately 4,557 acres of sidewalks. The City's sidewalks are made up of an estimated **22 million square blocks** of concrete. It currently costs approximately \$50.00 per square block to repair a sidewalk. Using these numbers as a base of calculation, and assuming that only 5% of the City's sidewalks need to be replaced, it would cost approximately \$55 million. **Under the proposed legislation, the**

City would be expected to pick up close to \$39 million of that cost. Currently, no funding source for this program exists, nor has one been identified. Finding a source for this significant fiscal burden would be extremely difficult in this challenging economic time. In the past, Community Development Block Grant funds have been used for streetscape improvements, but this source of funding is at the present, no longer available for those purposes.

During very difficult financial times, this City has embarked upon a strategic course to drive down taxes. To date we have returned to taxpayers more than \$300 million in the last four years, alone. Other growth in revenue will not be realized, because of caps on assessments in property taxes. I have supported this strategic approach. Implicit in our decision to invest in tax reductions, however, is the decision to forgo other expenditures. In the coming years, as the City wrestles with the FY 05 to 09 Five Year Financial Plan, the FY 05 Operating and Capital Budgets, as we embark upon labor negotiations with virtually all of our labor unions, we must remain focused on the long-term commitment made to invest in our economic future and avoid the temptation to spend on all but the most critical services.

For the reasons stated above, I cannot support this legislation.

Sincerely,

JOHN F. STREET, ESQUIRE
Mayor - City of Philadelphia