To: Board of Public Works
Cc: Cornell Community Liaison
From: Johnathan Licitra, Sidewalk Program Manager
Date: 10 March 2021
Re: Needed sidewalks not within Sidewalk Improvement Districts (SID)

In 2015 and 2018, BPW approved SID work plans to pay for construction design drawings and estimates for missing sidewalk sections along 400 Oak Ave. and 300 Fall Creek Dr. The purpose of this memo is to discuss whether the BPW supports pursuing construction funding for these two related projects.

Background:

Both locations have high rates of pedestrian traffic based upon their proximity to student populations. These sidewalk sections are likely vacant because they are located on a slope and don’t have a dwelling unit along the property frontage. Constructing these infill sidewalk gaps coincides with the City’s goal of Vision Zero passed by Common Council in March 2019. During the design process the consultant engineer, Delta, justified which side of the street to propose the new sidewalk—these justification specifics can be found in the addenda. 400 Oak Avenue includes about 240 linear feet of sidewalk within SID #2. A portion of Oak Ave. work has been shortened to accommodate a future traffic circle at Maple Ave./ Oak Ave./ Dryden Rd. intersection. 300 Fall Creek Drive does not contain any SID and does propose to change the road traffic flow from 2 lanes to a “One Way” traffic pattern.

The SIDs encompass most of the City, but not all. Both projects have SID boundaries that fall along the centerline of the road. City code directs areas that are not within the SID to revert to the original sidewalk law (C-73.1). In summary, adjacent property owners are responsible to construct or to fund new sidewalk construction if directed by the BPW for all areas outside of the SID—Cornell University owns the adjacent land in question. Staff level efforts to reach out to Cornell to coordinate construction planning necessitate this formal BPW approach. Relevant sections of the City’s sidewalk code are listed in the Addenda.
Figure 1. Proposed new 830 linear feet of sidewalk along 400 Oak Avenue area highlighted in green. Existing sidewalk is represented in yellow and missing sidewalk is in orange.

Board of Public Works Discussion:

During new sidewalk construction, necessary DPW infrastructure are often maintained or installed due to the new installation. Curbing provides the physical separation between vehicle traffic and pedestrians, and curbs are a conduit to direct stormwater to drainage inlets and storm sewers. Catchbasins and drainage pipes safely handle stormwater to historical outfalls. Both of the aforementioned projects include curbing and stormwater work.

SID funding is intended to be used for sidewalk construction costs and incidental related infrastructure construction costs. Construction related costs often include: work zone traffic control, land survey, construction mobilization, lawn restoration, miscellaneous traffic signs, etc.. Again, areas outside of the SID cannot use SID funding.
The following table outlines assessable funding breakdowns sources for the projects.

### 400 Oak Ave.

<table>
<thead>
<tr>
<th>Source Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Assessable to Cornell 75% (no Stormwater)</td>
<td>$182,000</td>
</tr>
<tr>
<td>Not Assessable to Cornell</td>
<td>-</td>
</tr>
<tr>
<td>SID 25% (Swk. &amp; Cons. Related)</td>
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</tr>
<tr>
<td>General Funds/C.P. (Stormwater &amp; Curbing)</td>
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<tr>
<td><strong>SUM</strong></td>
<td><strong>$346,000</strong></td>
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### 300 Fall Creek Dr.

<table>
<thead>
<tr>
<th>Source Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Assessable to Cornell (no Stormwater)</td>
<td>$293,000</td>
</tr>
<tr>
<td>Not Assessable to Cornell</td>
<td>-</td>
</tr>
<tr>
<td>SID: (Swk. &amp; Cons. Related)</td>
<td>-</td>
</tr>
<tr>
<td>General Funds/C.P. (Stormwater &amp; Curbing)</td>
<td>$133,000</td>
</tr>
<tr>
<td><strong>SUM</strong></td>
<td><strong>$426,000</strong></td>
</tr>
</tbody>
</table>

Figure 2. Proposed new 1,040 linear feet of sidewalk along 300 Fall Creek Drive area highlighted in green. Existing sidewalk is represented in yellow and missing sidewalk is in orange.
BPW Questions:
1. Do you support new sidewalk at these 2 locations?
2. Would you endorse a Capital Project to fund local shares outside of SID fund for the stormwater and curbing work?

Next Steps:
Engineering division staff would like to propose the following process.

March  BPW discusses Memo and approach

April  BPW holds Public Hearing related to assessable Cornell owned sidewalk construction and SEQR.

May  BPW passes resolution that orders Cornell to construct the sidewalk within 2 years and passes Negative Declaration SEQR.

June  SID manager conducts public outreach for the proposed 2022 SID work plan—including the non-SID work areas.

July  Proposed 2022 work plan is presented to BPW
BPW holds public hearing on proposed 2020 SID assessments

August  BPW approves 2022 work plan and recommends SID assessments to CC and Mayor for inclusion in Mayor’s 2022 Budget

October  Mayor publishes recommended 2022 budget, including SID work plan and assessments

November  Common Council approves SID work plan and assessments as part of the 2022 budget approval process.
ADDENDUM

City of Ithaca Code:

§ C-73.1 Sidewalks not included in sidewalk improvement districts.


A. Authority.

(1) The Board of Public Works shall have jurisdiction over the construction, repair and maintenance of all sidewalks, approaches and street driveways abutting any of the streets, highways, alleys and public places in the City and shall have power to make rules and regulations with respect thereto, relating to materials, grade, location, manner and method of construction, dimensions and all other matters in connection therewith, not inconsistent with the provisions of this section.

(2) The Board of Public Works shall have the power to make rules and regulations regarding the removal of ice, snow, and other obstructions from sidewalks and to require the area, if any, between the sidewalk and curb to be kept in a safe condition and the grass on such area, if any, to be properly mowed.

B. Duties of owner.

(1) The owner of lands abutting any such street, highway, alley or other public place in the City shall construct, repair and maintain the sidewalks, approaches or street driveways adjoining such lands and shall keep the same in a safe state of repair and free from defects and free and clear of and from snow, ice and all other obstructions, and the area, if any, between the sidewalk and curb in a safe condition and the grass thereon, if any, properly mowed. Such owner shall be liable for any injury or damage by reason of omission, failure or negligence to make, maintain or repair such sidewalk and keep it free from defects, snow, ice or other obstructions. Such owner shall also be liable for any violation or nonobservance of any ordinance or regulation relating to making, maintaining and repairing sidewalks, keeping them free from defects and removing snow, ice and other obstructions therefrom. Nothing herein contained shall be construed to prevent such owner, by lease or otherwise, from delegating to a tenant or
occupant the duties and liabilities hereby imposed, but such delegation shall not relieve the owner of his/her primary duties and liabilities hereunder.

(2) The construction and repair of such sidewalks, approaches, and street driveways shall be only upon application, in writing, to the Superintendent of Public Works, without expense to the City and in conformity with the rules and regulations of the Board.

C. Failure to comply.

(1) The Superintendent of Public Works, by notice, given personally or by mail, may require the owner of any land adjoining a sidewalk, approach or street driveway to construct or repair such sidewalk, approach or street driveway in conformity with rules and regulations of the Board of Public Works. In such notice, the Superintendent shall fix a reasonable deadline for the completion of such work, which deadline shall not be less than 60 days after the date of the notice. Upon the failure of the owner to complete such construction or repair within the time limit, the Superintendent of Public Works may cause such sidewalk, approach or street driveway to be constructed or repaired, either by contract or by the Department of Public Works, at the expense of the owner, to be collected as set forth in Subsection E.

(2) Nothing within this section shall prevent the Superintendent of Public Works from demanding or causing the immediate repair or replacement of a sidewalk, approach or street driveway if the failure to immediately repair or replace such sidewalk poses a significant public health or safety risk.

(3) The Superintendent of Public Works may cause the removal of ice, snow or other obstruction from such sidewalk and may cause the area between the sidewalk and curb to be rendered in a safe condition and the grass thereon mowed, at the expense of the owner.

D. Uniform sidewalk improvements; construction of new sidewalks on a street or part thereof.

(1) On petition of interested property owners or on its own motion, the Board of Public Works may direct that new sidewalks and street driveways be laid on any street or part thereof pursuant to plans and specifications prepared and adopted by it. Before determining to make such improvement, the Board shall hold a public hearing on such proposed improvement upon not less than five days’ notice, given personally or by mail or by publication in the official newspaper. After such public hearing, the Board may determine to make such improvement,
either by contract or by delegation to the property owner(s), or by the City, under the direction of the Superintendent of Public Works.

E. Assessments for sidewalk improvements.

(1) The determination of cost, apportionment and assessment of any sidewalk improvement carried out pursuant to Subsection C or D herein shall be governed by the provisions relating to improvement assessments (in § C-89 of the Charter), except that the entire cost thereof shall be deemed to benefit the adjoining owners.

(2) Any expense incurred by the City pursuant to the provisions of this section shall be billed to the property owner, together with an overhead fee of 25%. The bill shall be payable to the City Chamberlain within 30 days of the billing date or, upon written request to the City Chamberlain within 30 days of the billing date, shall be payable in no more than five annual installments. If any bill or annual installment is not paid by November 1 of each year, the City Chamberlain shall enter the same as a lien against the premises as provided in § C-54 of the Charter of the City of Ithaca. The Chamberlain shall add the same to the next assessment roll of general City taxes and shall collect and enforce the assessment in the same manner and by the same proceedings, at the same time and with the same penalties as the general City tax and as a part thereof, except that, in addition to the penalties provided for in the aforementioned provisions, interest shall accrue on any unpaid balance from the date of billing to the date of actual payment at 12% per annum or $3 per month, whichever is greater.

§ C-89 Street and pedestrian mall improvements and assessments.


A. Authorization of paving and other street work and pedestrian mall. The Board of Public Works, on its own motion or upon petition of owners of abutting property, may consider and tentatively authorize the paving, repaving, resurfacing or surface treatment of any street or portion of a street and the construction of curbs and gutters in any street or portion of a street and the construction, reconstruction of or addition to a pedestrian mall and may determine all matters relating to the type, materials and method of construction thereof. The Board may hold a public hearing in regard to any
such improvement and shall hold such a hearing whenever such improvement is assessable as hereinafter provided, after giving notice by publication at least once in a local newspaper not less than five days before such hearing. Any such hearing must be held before the Board and tentatively authorizes such improvement. The Board shall then make an estimate of the cost of such proposed improvement and file with the Common Council such estimate and a requisition for appropriation of the funds necessary for the work.

[Amended 12-7-1983 by L.L. No. 1-1983]

**B.**

Assessment of cost for construction of curbs and gutters. The cost of original curbs and gutters, when constructed or installed in connection with the original paving of a street anywhere in the City or when constructed or installed in connection with already existing streets in the City, except in those areas of the City zoned R-1a, R-2a, R-3a, R-U, R-1b, R-2b and R-3b, shall be apportioned as follows: Fifty percent of such cost shall be a charge against the City at large, and the remainder shall be a charge against the abutting property owners, apportioned according to their respective front-footages. The cost of construction, installation, renewal or repair of curbs and gutters for already existing paved streets in zoned areas of the City designated R-1a, R-2a, R-3a, R-U, R-1b, R-2b and R-3b shall be a charge upon the City at large.


**E.**

Assessment of cost of constructing, reconstructing or constructing an addition to a pedestrian mall. The cost of constructing, reconstructing or constructing an addition to a pedestrian mall shall be borne as follows: Not less than 15% shall be a charge against the City at large, and not more than 85% shall be a charge against properties which the Board of Public Works, subject to confirmation by the Common Council, shall determine and specify to be especially benefited, apportioned in accordance with a rate schedule to be established therefor from time to time by the Board of Public Works, to be determined on any equitable basis, including but not limited to a system of classification for purposes of establishing differential rates, which rate schedule shall be subject to confirmation by the Common Council. Before any such rate schedule is finally established, the Board of Public Works shall hold at least one public hearing thereon, after giving notice by publication at least once in a local newspaper not less than five days before such hearing.

**F.**
Manner of assessment. Upon the completion of any improvement of which all or any part of the cost is charged to abutting owners' properties as above provided, the Board shall cause to be prepared a map and a statement showing the cost thereof and the apportionment and assessment against the respective properties benefited and shall give notice by publication three times in a local newspaper of a public hearing thereon on a date specified, which date shall not be less than 10 days from the first publication, at which time any person interested may appear and be heard in relation thereto. The Board may thereupon alter or correct any such assessment as justice may require, finally approve the same and file a schedule thereof with the Common Council, which shall confirm the same, and when so confirmed, the amount of each assessment shall be a lien upon the real property so assessed. The Council may prescribe and apportion deferred payments, make such regulations as may be deemed advisable for the payment thereof and provide for a percentage addition to any such deferred payments at a rate not exceeding 6% per annum, to be determined and fixed by said Council, together with any fees and expenses which may be incurred in connection therewith. Such assessments, percentages, fees and expenses shall be collected in the manner provided for the enforcement, levy and collection of City taxes.
March 18, 2016

Mr. Eric Hathaway
Sidewalk Program Manager
City of Ithaca
108 East Green Street
Ithaca, NY 14850

RE: 400 Block Oak Ave Sidewalk Location
Delta Project No.: 2015.343.001

Dear Mr. Hathaway:

Thank you for the opportunity to work with the City as it continues to infill and rehabilitate its existing pedestrian facilities. This letter pertains to the proposed new sidewalk at Location H, 400 block of Oak Ave.

As you know, vehicular travel along the 400 block of Oak Ave is one-way in an east-to-west direction. During our evaluation of locating the sidewalk, this was considered along with what parking improvements could be made along Oak Ave, conflicts with driveways, and cost, among others. Following this evaluation, plans were developed and submitted depicting sidewalk on the north side of Oak Ave.
The recommendation of placing the sidewalk on the north side is based on the following:

- **Driveway impacts** – there are an equal number of driveways on each side of the street west of the stone wall immediately adjacent to Oak Ave. Just east of the stone wall, there is an apartment complex with 11 garage doors located less than 14’ from the edge of Oak Ave., which would result in multiple conflict points for vehicles and pedestrians. The sidewalk would need to be at grade in lieu of the preferred curbed sidewalk, resulting in the increased potential of vehicles parking on the sidewalk and blocking their intended use. Conversely, parking across from the complex is off-street. With some minor modifications, driveways can be installed to provide access while providing a curbed sidewalk along this section of the corridor.

- **Existing sidewalk** – there is a 160° +/- long section of existing sidewalk on the north side of the west end of Oak Ave. which starts at the Oneida place intersection whereas there is no sidewalk anywhere on the east end of this block of Oak Ave. on either side. This existing sidewalk is in disrepair and in need of replacement. Having sidewalk on both sides within this length would increase the cost of the project. It should also be noted that the primary access to the residences on the south side of Oak Ave. appears to be off Dryden Road, which parallels Oak Ave.

- **Parking** - As noted above, Oak Ave. is a one-way street traveling in an east-to-west direction. The recommended improvements include a narrowing of the street to accommodate one travel lane and a parking lane. By maintaining the same direction of traffic while constructing the sidewalk on the north side would keep the street “typical” in that passengers would exit parked cars onto the sidewalk, and not onto a gravel/grass adjacent roadside area. This configuration also provides the City an opportunity to increase parking along the street by at least a few hundred feet dependent upon how much of the current no parking area is converted to on-street parking.

- **Visibility of pedestrians** – Oak Ave. turns to the south just east of the apartment complex. On the south side of Oak Ave. and immediately adjacent to this curve is a vegetated hillside. This results in some viewing obstruction. While there aren’t any pedestrian midblock crossing maneuvers planned, having the sidewalk on the north side of the road increases pedestrian visibility.

- **Crosswalk at Dryden Road** – by placing the sidewalk on the north side of Oak Ave., pedestrians wishing to cross Dryden and continue east on to Maple Ave. will be situated at the existing crossing location and only need to cross two lanes of traffic as opposed to a longer maneuver if constructed on the south side of Oak Ave.

- **Building a sidewalk adjacent to the stone retaining wall** – studies performed by the Transportation Research Board found that drivers have a tendency to steer away from tall objects in close proximity to the driver. One can assume this may carry over to a pedestrian walking immediately adjacent to this wall. They may stay on the sidewalk and just walk closer to the curb or alternatively avoid use of the sidewalk and walk in the street or on the opposing shoulder.

If you have any questions regarding this recommendation on location, please don’t hesitate to contact us.

Respectfully,

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C.

Christopher J. Maby, CPESC
Project Manager

“We are a seamless extension of our clients’ organizations”
September 16, 2019

Mr. John Licitra  
Sidewalk Program Manager  
City of Ithaca  
108 East Green Street  
Ithaca, NY 14850

RE: 400 Block Oak Ave Sidewalk Location  
Delta Project No.: 2018.241.001

Dear Mr. Licitra:

Thank you for the opportunity to work with the City as it continues to infill and/or rehabilitate its existing pedestrian facilities. This letter pertains to the proposed new sidewalk at Location F, Fall Creek Drive, in Sidewalk District #1. The new sidewalk will extend from Highland Ave. to Thurston Ave.

As you know, vehicular travel along Fall Creek Drive is currently two-way. During our evaluation of determining which side to construct the sidewalk on, consideration was given to converting this section of Fall Creek Drive from a two-way roadway to a one-way roadway. Doing this would improve parking conditions, alleviate some minor conflicts with driveways, and most importantly, reduce construction cost by eliminating the need for new retaining walls. New retaining walls would be required if the street remained two-way because of the width needed to accommodate two travel lanes as well as the new sidewalk. The wall would be needed on the northwest side of Fall Creek in areas where widening the...
roadway for a new sidewalk would undercut the existing topography which consists of a steep upslope that begins immediately adjacent to Fall Creek Drive.

Following this evaluation, conceptual plans were developed and submitted depicting sidewalk on the south side of Fall Creek Drive. Parking stall locations were also evaluated, with guidance provided by the City that leaving parking on the northwest side is appropriate given the location of the residences along the street.

The recommendation of placing the sidewalk on the southeast side is based on the following:

- Driveways – there is only one driveway to cross on this side of the roadway vs. a few on the other
- Parking – Parking is located on the northwest side of the street. There are also a few areas where the roadway widens on the northwest side which may also be used for parking although no cars were observed in these areas during our field visits. The recommended improvements would not impact these areas and provide a minimum of 14'-0" for vehicular travel along Fall Creek Drive.
- Visibility of pedestrians – there is a 90° bend on Fall Creek, with a residence in very close proximity to the street on the inside of the turn. Constructing the sidewalk on the southeast side provides better visibility to pedestrians for oncoming traffic.
- Fall Creek view shed – a sidewalk on the northwest side of the street limits the view to Fall Creek, whereas a sidewalk on the southeast side dramatically improves the viewshed.

If you have any questions regarding this recommendation on location, please don’t hesitate to contact us.

Respectfully,

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, DPC

Christopher J. Maby, CPESC
Sr. Project Manager

"We are a seamless extension of our clients’ organizations"