

**Policy Title: Curb and Sidewalk Replacement Program**

**Policy and Procedure Number: E200**

**Adoption Date:** September 23, 2003, June 9, 2009, **June 23, 2020**

**Mayor and Council Approval Date:** September 23, 2003, **REVISED June 23, 2020**

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Sidewalks improve the livability of neighborhoods, are essential for persons with disabilities, and provide safe walking areas for school children. Sidewalks are recommended for streets where pedestrian activity is anticipated.

Curbing streets protects pedestrians, defines the road edge, provides positive drainage control, prevents pavement edges from deteriorating, and clearly defines driveways and entrances.

Therefore, the City of Hagerstown Engineering Division will utilize the following policy to provide guidance to obtain a practical yet complete sidewalk system in the corporate limits. This is only a policy guide and does not constitute the law or code.

Also refer to Policy #E-331, “ADA Transition Plan: Pedestrian Facilities in the Public Right of Way” for guidance on the installation of accessible ramps.

**A. Replacement of Existing Curbs and Sidewalks**

**1. Ordinance Requirement:**

Referring to Chapter 216 of the Code of the City of Hagerstown, “Sidewalks and curbs along public streets and thoroughfares within the corporate limits of the City shall be constructed and kept in a reasonable state of repair by the City per policy established by the Mayor and City Council resolution. Notwithstanding the previous sentence, abutting owners shall be obligated to maintain sidewalks in accordance with Sections 185 and 216-26 of the Code.”

In addition, all work shall be in conformance with the details of the City of Hagerstown’s “Public Ways Construction Standards” latest edition.

**2. Exceptions to City Responsibility**

Sidewalks and curbs along public streets and thoroughfares within the corporate limits of the City shall be replaced or constructed at the expense of those damaging the existing curb/sidewalk or initiating the work in the following instances:

- a. damage caused by the party,
- b. damage on behalf of the abutting property owner.
- c. utility work;
- d. when a vacant lot is developed (in-fill development);

- e. new street construction;
- f. non-street tree (defined as a tree located behind the existing sidewalk or on private property) damage, or
- g. new or modified driveway entrances requested by the owner.

### 3. Replacement Criteria:

- a. Curbing shall be considered for replacement when it is determined by the Engineering Division that the curbing within the City right-of-way exhibits the following:
  - (1) is structurally damaged
  - (2) has a minimum face reveal of less than four inches, or three inches if the street is going to be milled prior to being overlaid
  - (3) leans towards or away from the street (more than 1" out of plumb), and is structurally damaged
  - (4) exhibits 1" or more vertical mismatch of joints.

Note: Stone curbing may be reused if structurally sound and retains shape to within ½" of normal surface plane, and may be reset per "Public Ways Construction Standards" detail.

- b. Existing sidewalk shall be considered for replacement when it is determined by the Engineering Division that the sidewalk exhibits the following:
  - (1) unused driveway entrances, or entrances that do not serve a driveway.
  - (2) vertically offset surfaces of sidewalk that is 1" or greater.
  - (3) transverse or longitudinal crack(s) 3/8" wide or greater.
  - (4) 50% or greater of surface is spalled, decayed, or delaminated.
  - (5) raised or settled slabs that trap water on the surface.
  - (6) settled below the top of the adjacent curb by 1½" or more.
  - (7) patching material on over 25% of the surface.
  - (8) holes or other defects/obstacles.
  - (9) excessive cross-slope (defined as 4% or more)
  - (10) Longitudinal grade transition slopes exist that do not meet Americans with Disabilities Act (ADA) grades and standards, and can be reasonably replaced to meet those standards.
  - (11) contains obstacles in the existing sidewalk that violate the ADA three feet (3') clearance minimum (e.g., power poles, street signs, and signal pole bases). Widening of the sidewalk or obstacle relocation may be required.
- c. Existing sidewalk shall be considered a *hazard* when it is determined by the Engineering Division that the sidewalk exhibits the following:
  - (1) a one and one-half inch vertical offset between sidewalk slabs
  - (2) a missing piece of concrete or brick which creates a one and one-half inch vertical offset or more.

- (3) a condition exceeding the criteria in A.3.b above which has been reported by a citizen to having caused a fall (with or without injury).

City staff will endeavor to mark the hazard in the field when reported to the City.

#### 4. **Tree Damage**

- a. Any curb or sidewalk damaged or displaced as a result of tree root from a tree located between the existing curbing and existing sidewalk, or within the sidewalk, will be replaced by the City of Hagerstown. In these cases, the City of Hagerstown reserves the right to replace or eliminate the tree that caused the damage with a tree not prone to damaging root growth.
- b. Any curb or sidewalk damaged or displaced as a result of tree root from a tree located behind the existing sidewalk or on private property will be the responsibility of the abutting property owner.

#### 5. **Priorities**

Undoubtedly, the need for curb and sidewalk replacements will outpace the available funding. For that reason, the City hereby establishes the following priority funding locations (in order of highest to lowest priority) for replacing curb and sidewalk, based on the “Replacement Criteria” above:

- a. Reported sidewalk tripping hazards (defined in A.3.c above)
- b. Adjacent planned pavement overlay streets
- c. Designated walk routes to schools (within ¼ mile of school)
- d. Walk routes to the City parks and playgrounds (within ¼ mile of park)
- e. Sidewalks within the City Center “CC-MU” zoning district
- e. Areas where shopping areas interface with residential areas.
- f. Other areas requested by abutting owner, as funds allow

### B. **Installation of Curb/Sidewalk Where None Exists**

#### 1. **Ordinance Requirement:**

Referring to Chapter 216 of the Code of the City of Hagerstown, “Sidewalks and curbs along public streets and thoroughfares within the corporate limits of the City shall be constructed and kept in a reasonable state of repair by the City per policy established by the Mayor and City Council resolution. Notwithstanding the previous sentence, abutting owners shall be obligated to maintain sidewalks in accordance with Sections 185 and 216-26 of the Code.”

In addition, all work shall be in conformance with the details of the City of Hagerstown’s “Public Ways Construction Standards” latest edition.

## 2. **Priorities:**

When a street overlay that is planned by the City of Hagerstown corresponds with the following priority list, the City will endeavor to install curb and/or sidewalk where none exist:

- a. Washington County Board of Education designated elementary school walk routes.
- b. Washington County Board of Education designated middle school walk routes.
- c. Washington County Board of Education designated high school walk routes.
- d. walk routes to the City parks and playgrounds.
- e. areas where shopping areas interface with residential areas.
- f. residential areas with incomplete or discontinuous sidewalks.

## 3. **Sidewalks Not Recommended at Following Locations:**

- a. Hagerstown Industrial Park
- b. Residential subdivisions built with open drainage (e.g., Londontowne) and annexed by the City
- c. Locations where one or more of the following physical or legal restrictions exist:
  - (1) slopes, bedrock ledges, trees (six inches in diameter or greater) or other obstacles (such as power poles or fire hydrants), that restrict the installation of new sidewalk in the public right-of-way.  
Whenever physically possible, in cases where obstacles cannot be moved, sidewalk should be constructed to avoid those obstacles. In certain extreme circumstances, the construction of a three foot wide sidewalk may be approved by the City Engineer or his authorized representative.
  - (2) the installation of new sidewalk results in a net loss of 20% or more of the usable yard area of an existing property (cut or fill)
  - (3) prior (documented) agreement
- d. Along streets where the rear of properties is the predominant lot orientation and when sidewalk exists on the opposite side of the street.

## 4. **Funding Assistance**

The City staff will endeavor to acquire the following assistance programs for the installation of new curb or sidewalk:

- a. MDSHA retrofit sidewalk grant funds (available for State-designated routes only).
- b. Community Development Block Grant (CDBG) funds to install sidewalks in areas specifically designated as “low-moderate” income areas.
- c. Other programs when deemed appropriate by City Council.

## 5. New Street Construction

Curbs and sidewalks shall be constructed along newly constructed public streets in conformance with the City of Hagerstown's "Public Ways Construction Standards" latest edition and funded in full by the Developer.

### C. Utility Work

In general, when a utility as part of their work damages curb and /or sidewalk, they are required to obtain a replacement permit and replace the damaged areas per City Standards and the criteria of the permit. The utilities will replace damaged curb and/or sidewalk with their own staff or utilize a contractor.

There must be agreement between Engineering and Utilities that the actual cause of the failing sidewalk or curb is directly related to the public utility infrastructure. Not all sidewalk failures associated with compaction (to include those with manholes or meter tiles) are a result of issues with the waster/sewer/light infrastructure. The Engineering Division or Code Administration staff will utilize the following policy to provide guidance on for utility-damaged curb or sidewalk issues that follow. This is only a policy guide and does not constitute the law or code.

#### 1. Utility Poles

During a sidewalk inspection, inspectors may encounter one of three situations as follows:

##### a. Utility Poles Removed From Sidewalk

In these situations, the Engineering Division inspector will contact Utilities Department – Light Division to determine if the Light Division removed the pole at this location. If the Light Division did remove the pole, the Engineering Division's contractor may complete the repair at the Light Division's expense with approval by the Electric Operations Manager prior to the work being completed. The Light Division's contractor may also be utilized to complete the work.

##### b. Verizon Poles Removed From Sidewalk

Where a pole was removed by Verizon and the sidewalk not replaced, the City's contractor will complete the repair and bill Verizon for the sidewalk replacement.

##### c. Where "private work" adjacent poles was completed (such as new risers), the Engineering Division inspector will contact HLD. If HLD did not do the work, the inspector will endeavor to find out who did do the work and to send them a notice to repair the sidewalk.

## **2. Water Meters/Valves/Hydrants**

When damaged or settled sidewalk at water meters or hydrants is encountered, the Engineering Division inspector shall contact the Utilities Department – Water Division distribution foreman. Together they will decide if the damage was caused by Water Division activity or poor compaction/construction. If either applies, the Engineering Division’s contractor may complete the repair at the Water Division’s expense with approval by the Water Operations Manager prior to the work being completed. The Water Division’s contractor may also be utilized to complete the work.

## **3. Manholes**

- a. When a damaged sidewalk is encountered around a manhole, if it is a telephone manhole, a notice of violation should be sent to Verizon or other telecommunications company to make the repair, as they will not allow anyone else to excavate in and around their underground communication system.
- b. If it is a sanitary sewer manhole, the Utilities Department – Wastewater Division shall be contacted to determine if the damage was caused by Wastewater Division’s activity or poor compaction/construction. If either applies, the Engineering Division’s contractor may complete the repair at the Wastewater Division’s expense with approval by the Wastewater Operations Manager prior to the work being completed. The Wastewater Division’s contractor may also be utilized to complete the work.

## **4. Gas Valves and Appurtenances**

When damaged or settled sidewalk at gas valves or other gas system appurtenances is encountered, the Engineering Division inspector shall contact the Water Distribution foreman. Together they will decide if the damage was caused by Water Department activity or poor compaction/construction. If either applies, the Engineering Division’s contractor will complete the repair at the City Water Department’s expense.

## **5. Street Trees**

Where street trees (defined as trees that are located within the sidewalk or between the curb and sidewalk) have created damage to the curb and/or sidewalk, the Engineering Division shall enter the location, street address, and nature of the problem (either by description or photograph) in the database managed by the Director of Public Works. The Department of Public Works or the Engineering Division contractor will systematically make the appropriate repairs.

In all cases, when Code Compliance inspectors are filling out exterior checklists, if any of the above situations cause a sidewalk to “fail”, the inspector shall note that the sidewalk does indeed fail, and provide a copy of the report to the Engineering Division inspector who maintains the replacement location database.

Authorized and Approved by:



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Rodney Tissue, City Engineer

JUNE 24, 2020

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Date

*Last revised June 17, 2020*