The sidewalk, parkstrip, curb, and gutter are all public facilities within the right-of-way or Public Services Easement (PSE). They can generally be described as being that portion of improved land between the property line or PSE line and the street.

WHO IS RESPONSIBLE FOR MAINTAINING THE SIDEWALK, PARKSTRIP AREA, AND CURB AND GUTTER AREA?

By state law, the owner of the property is responsible for maintaining the sidewalk, curb and gutter and parkstrip area. Maintenance responsibility includes repair or replacement of damaged or displaced concrete, abatement of weeds or debris, and trimming of shrubs to keep the area free of hazards.

NOTE: An encroachment permit is required to plant trees in the parkstrip area. Permanent coverings in the parkstrip area will have to be removed, but not replaced.

WHO IS LIABLE IF SOMEONE IS INJURED DUE TO A DAMAGED SIDEWALK?

Personal injury suits can be filed against both the property owner and the City. A judge and/or jury determines if there was negligence and who is liable for damages.

Sidewalk Replacement Program

1. The property owner or owner’s authorized representative initiates the process by contacting the City and consulting with the City Inspector about the Program and their site conditions.

2. The City Inspector will meet on-site with the property owner to determine the work to be covered by the Program. A project Scope of Work is generated and signed by the City and the property owner.

3. The Scope of Work is used by the property owner to obtain bids for the project (a list of contractors is provided but not recommended).

4. The owner must obtain bids from a minimum of three contractors that have a valid State of California Contractor’s License (A,B,C-8,C-12), Worker’s Compensation and a current City of Gilroy Business License.

5. The City Inspector will review the bids with the owner and identify the lowest responsible qualified bidder. The owner must contract with the lowest responsible bidder to be eligible for reimbursement from the Sidewalk Replacement Program.

6. The owner enters into a contract with the contractor with the lowest responsible bidder and a copy of the contract is given to the City before any work begins.

7. The contractor or property owner obtains an encroachment permit and any tree removal permits from the City free of charge. If needed, the City Inspector is available to meet with the contractor to go over the work to be done.

8. Work to be performed must be constructed, to the City of Gilroy Standards and inspected and approved by the City Inspector.

9. The property owner pays the contractor in full for all repair costs and receives a reimbursement from the City for the City’s portion of the repairs costs upon receipt and approval of the final invoice from the contractor.

NOTE: If the City has insufficient funds in the current program to reimburse the City’s portion of repair costs, owners have the option to pay the contractor for all the repair costs and be reimbursed by the City for the City’s share of the costs when funds become available.

If you are interested in this program, please contact the City of Gilroy Engineering Division
7351 Rosanna Street, Gilroy, CA 95020
HOW IS THE NECESSITY AND EXTENT OF CONCRETE REPLACEMENT DETERMINED?
The sidewalk concrete is in need of repair if an inspection reveals:
~ The concrete sidewalk or parkstrip has cracked and raised one-half inch or more.
~ Ramping, where there is a rise or depression of one inch in two feet.
~ A hole or opening in a break or construction joint of one inch or more.
~ The breaking away or spalling of concrete with a minimum depth of 1/2 inch.

The criteria used for determining the necessity of curb and gutter repairs in conjunction with sidewalk replacement as follows:
~ Curb and gutter that has a vertical separation of 1/2 inch or more, or is broken away where pedestrians travel.
~ Curb and gutter that is a part of a driveway approach that needs replacement.
~ Where marginal sidewalks meet the curb and have a vertical separation of 1/2 inch or more at the curb and gutter line.
~ The curb and gutter is raised enough to prevent proper drainage.

HOW IS THE NEED FOR CORRECTION OF LANDSCAPE-RELATED PROBLEMS DETERMINED?
~ **Visibility**—When parkstrip shrubbery interferes with vehicle operator visibility, trimming to a maximum height of two feet six inches is required.
~ **Thorny plants**—Varieties of cactus and century plants have thorns that could cause serious injury; thus, removal of these is required. Removal of fan palms is also required.
~ **Walkway and Gutter Clearance**—Trimming of ground cover or shrubs is required when there is any encroachment of more than six inches onto the sidewalk or gutter.
~ **Tripping Hazards**—If the parkstrip is unimproved or landscaped and there is a drop that exceeds one half inch below the concrete walk, the parkstrip must be filled with dirt or other material except asphalt. Tree stumps, large rocks, trash, and holes must be eliminated.

HOW ARE PROPERTY OWNERS NOTIFIED THAT SIDEWALK/PARKSTRIP REPAIR ARE NECESSARY?
When city becomes aware that a repair is necessary, the property owner is sent a letter informing him/her of the need for repairs.

Property owners are encouraged to inspect their fronting sidewalk and initiate repairs on their own as they become aware that their sidewalk, curb, or gutter needs repair or replacement.

**WHAT ARE THE OPTIONS AVAILABLE FOR COMPLETING THE WORK?**

1. The property owner may do the work themselves. A permit is required and may be obtained from the Public Works Department. There is no fee for the permit.
2. The property owner may hire a contractor to do the work. Again, a permit is required for concrete repair.
3. Under the Sidewalk Replacement Program, the property owner is only responsible for half of the sidewalk replacement cost. All other required repairs within the City’s right-of-way or PSE will be reimbursed by the City.

HOW DOES ONE GO ABOUT FINDING A CONTRACTOR?
The City maintains a list of contractors (Note: City does not recommend any contractor on the list. It is for informational use only). The Yellow Pages are also a good source of information. Contractors must have a City of Gilroy Business License, California State License (A,B,C-8,C-12) and Worker’s Compensation.

WHERE DOES THE CITY GET THE AUTHORITY TO REQUIRE PROPERTY OWNERS TO PAY FOR THE REPAIR OF PUBLIC SIDEWALKS?
In the State of California, sidewalks are to be maintained as provided in Chapter 22 of Division 7, Part 3 of the California Streets and Highways Code. Briefly summarized, this State law requires the owner of the property fronting a public street to maintain the sidewalk, curb and gutters and parkstrip in a condition that will not endanger persons or property and interfere with the convenient use of the area.

ARE THERE STANDARDS FOR REPAIR WORK?
Yes, the standards for repair work are the same as those used for new construction. Concrete walks must be removed to construction joints or sawed at score lines and replaced using the materials and specifications required in the City of Gilroy Standard Details. In some instances, repairs may be permitted using patching materials. The locations and materials must be approved on an individual basis by the City Engineer. They are approved for minor repairs only.

**IS THE PROPERTY OWNER RESPONSIBLE FOR REPAIRS IF THE CONCRETE DAMAGE IS CAUSED BY A PARKSTRIP TREE?**
Property owners are not exempt from liability for the cost of concrete repair even though the damage may have been caused by trees in the public right-of-way. As mentioned earlier, under the New Sidewalk Replacement Program, the property owner is only responsible for half of the sidewalk repair cost. The City will reimburse 100% of any other required repairs in the City’s right-of-way, curb and gutter, approach, parkstrip concrete removal, street repair, and tree removal and replacement, if necessary. In an effort to beautify our City’s neighborhoods, street trees are required to be planted in front of each residence. Careful consideration is given in selecting street trees that will not cause sidewalk damage. Also, it is required that concrete, bricks, plastic sheeting or other impervious material be placed no closer than three feet to any street tree. This allows air and water to better penetrate into the soil to encourage deeper tree roots. If you wish to plant, trim or remove a tree in the public right-of-way, you must obtain a permit from the Community Services Department (846-0460).