

Audit Report

Sidewalk Projects

May 2019



Sidewalks allow people to move across the City safely. The City has 2,400 miles of sidewalks but is missing 2,580 miles more. Some council districts have a higher amount of missing sidewalks than others.

The Sidewalks Division generally selected the highest priority locations to build sidewalks based on what each council district needs. However, the Sidewalks Division does not have enough funding to build all missing sidewalks or even all of the highest priority ones.

City inspectors generally made sure contractors built quality sidewalks. However, the City did not make sure all sidewalks built by City construction crews or designed by City engineers received required accessibility inspections.

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Cover: Sidewalk on Pedernales Street, Office of the City Auditor

Objective

Does the City build sidewalks in all council districts to make Austin safer and more accessible?

Background

The 2016 Sidewalk Master Plan is referred to as Master Plan throughout the report.

Sidewalks help make Austin a safer and more accessible City. The 2016 Sidewalk Master Plan identified 2,400 miles of existing sidewalks across the City, but a need for 2,580 miles more.

The Master Plan gave each missing sidewalk a priority score based on how the sidewalk would increase pedestrian access and safety. The priority scores ranged from very high to very low and were based on factors such as how busy the street is and if it is near a place people would like to go. For example, a missing sidewalk on a busy road near a grocery store would have a higher priority score than a residential street in a small neighborhood. The Master Plan recommended the City focus on building the highest priority sidewalks across all of the council districts.

Voters approved \$37.5 million as part of the 2016 local mobility bond to build new sidewalks over eight years. This bond funding is only enough to build 40 to 60 miles, addressing only 10% of the need for the 580 miles of highest priority sidewalks and 3% of all missing sidewalks.

The Sidewalks and Special Projects Division [Sidewalks Division] of the Public Works Department uses the Master Plan to decide where to build sidewalks with 2016 bond and other funding sources. Once sidewalk locations have been selected, projects can be designed by external consultants and built by contractors, designed by City engineers and built by contractors, or built by City crews with no need for design work. Staff in the Construction Services Division of the Public Works Department inspects new sidewalk projects built by contractors to make sure they meet City quality standards.

What We Found

Summary

The Sidewalks Division of the Public Works Department selected the highest priority locations to build sidewalks based on the needs in each council district. However, the Sidewalks Division does not have enough funding to build all missing sidewalks or even all of the highest priority ones. Additionally, the Sidewalks Division can improve how they report progress toward meeting the City's needs and collect data on sidewalks built by other groups.

City inspectors generally made sure contractors built quality sidewalks, but inspectors need more guidance on how to document their post-construction inspections. The City did not make sure all sidewalks designed by City engineers or built by City construction crews received required accessibility inspections.

Finding 1

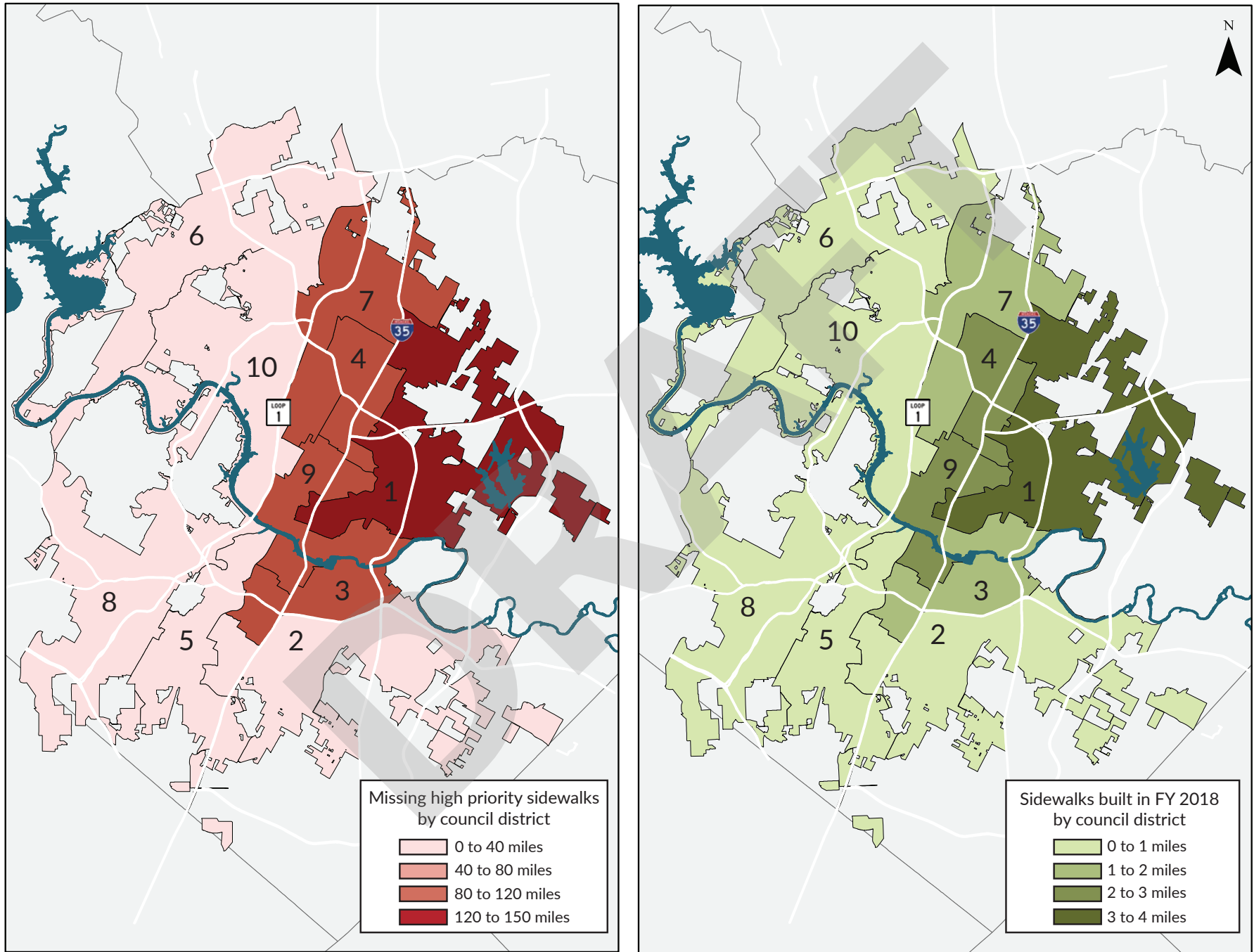
The Sidewalks Division generally selected the highest priority locations to build sidewalks according to what each council district needs.

The Sidewalks Division is spending 2016 bond funding ahead of schedule but does not have enough funding to build all of the City's missing sidewalks. As a result, the Sidewalks Division has to prioritize which sidewalks to build each year.

Based on our review of 30 sidewalk locations built in the last two years, we found the Sidewalks Division generally selected the highest priority sidewalks to build according to the Master Plan. We also noted that the Sidewalks Division coordinates with the City's other mobility programs when selecting sidewalk locations to find ways to increase accessibility.

Additionally, we found the Sidewalks Division built sidewalks in each council district according to the district's need. As an example, the Sidewalks Division built more sidewalks in Council District 1 because District 1 was missing the largest number of the highest priority sidewalks. (See Exhibit 1)

Exhibit 1: Sidewalks built in 2018 in each district closely align with the highest priority missing sidewalks in each district identified by the Sidewalk Master Plan



SOURCE: OCA analysis of Sidewalk Master Plan and Sidewalks Division's 2018 built data for all funding sources, January 2019

Overall, given current funding, the Sidewalks Division is only able to build a fraction of all of the highest priority missing sidewalks in each district every year. (See Appendix for how the Sidewalks Division has addressed the highest priority needs with sidewalks built in fiscal year 2018)

The Sidewalks Division can improve how they report progress toward meeting the City's sidewalk needs and collect data on sidewalks built by other groups.

The Master Plan identified the amount of missing sidewalks across the City and the Sidewalks Division builds sidewalks to meet that need. However, the Sidewalks Division only reports how many linear feet of sidewalks they build each quarter. The Sidewalks Division does not report how the sidewalks they build reduce the total amount of missing sidewalks identified in the Master Plan.

Additionally, the Sidewalks Division is not the only group responsible for building sidewalks in the City. Private developers and other public groups, such as Cap Metro and the Texas Department of Transportation, also build sidewalks. The Sidewalks Division does not have a process to regularly collect information about sidewalks built or planned to be built by other groups.

Without this reporting, the Sidewalks Division cannot provide accurate, updated information on how the community's sidewalk needs are being addressed. Historically, the Sidewalks Division did not have responsibility for reporting progress toward the City's sidewalk needs. However, Public Works management believes this reporting will align with Strategic Direction 2023 efforts around mobility.

Finding 2

City inspectors generally made sure contractors built quality sidewalks, but inspectors need more guidance on how to document their post-construction inspections.

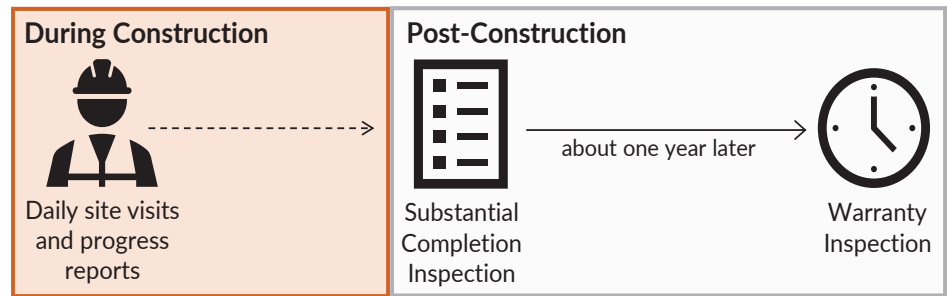
The City often contracts with construction companies to build sidewalks. Inspectors in the Construction Services Division of the Public Works Department are responsible for ensuring crews build sidewalks according to the City's quality standards.

Based on the daily progress reports we reviewed, we found that inspectors visited sites daily while construction was ongoing and recorded relevant information such as materials and equipment used.

We also found inspectors conducted at least two inspections of sidewalks after construction. The first inspection happened when the sidewalk was open to the public and is called a substantial completion inspection. The second inspection was a warranty inspection and happened one year after the sidewalk was completed. (See Exhibit 2)

Public Works' policies require inspectors to visit construction sites daily and record various information about the project in daily progress reports.

Exhibit 2: The City inspects sidewalks at various points during and post-construction



SOURCE: OCA analysis of Construction Services Division's inspection process, February 2019

The City builds sidewalks using Indefinite Delivery/Indefinite Quantity (IDIQ) contracts. These contracts work best for building many small projects in various places across the City.

Inspectors tracked these inspections to ensure overall sidewalk quality and communicated with the contractors when they identified issues. However, inspectors did not use the forms required by Public Works' policies for these inspections and tracked them in a spreadsheet instead.

Many of Public Works' policies are designed for construction projects with a different type of contract and are not always applicable to the type of contract used to build sidewalks.

As a result, the Construction Services Division does not have guidance on how to document post-construction inspections for sidewalks. For the projects we reviewed, we did not find issues unaddressed by contractors, but a lack of guidance on documenting inspections increases the risk that may occur.

Finding 3

The City did not make sure all sidewalks built by City construction crews or designed by City engineers received required accessibility inspections.

Texas Accessibility Standards require that all sidewalk projects over \$50,000 receive an accessibility inspection from an independent inspector. These inspections cannot be performed by City staff.




Sidewalks need accessibility inspections to meet Texas Accessibility Standards. These standards are very similar to standards in the Americans with Disabilities Act (ADA) and ensure sidewalks are accessible.

The Sidewalks Division spent most of their funding on locations that did receive accessibility inspections, but they spent 15% of funding on locations that did not receive these inspections. Without these inspections, the City may not be able to identify and address issues that could make sidewalks difficult for people to use.

Overall, the Sidewalks Division's role to ensure all sidewalks receive accessibility inspections is unclear. The Sidewalks Division does not have a defined requirement to ensure sidewalks designed by City engineers or built by City construction crews are inspected. The Sidewalks Division has no process to identify which sidewalks should receive accessibility inspections, when these inspections should happen, and how they should be documented.

As a result, we found none of the sidewalk projects built without grant funding by City crews in the Street and Bridge Operations of Public Works received accessibility inspections. Additionally, the Sidewalks Division staff could not confirm how sidewalks designed by City engineers and built by contractors would receive accessibility inspections. (See Exhibit 3)

Exhibit 3: Sidewalks built by City construction crews and designed by City engineers do not always receive accessibility inspections

	Designed by consultants and built by contractors	Built by City crews	Designed by City engineers
Sidewalk receives accessibility inspection			

SOURCE: OCA analysis of accessibility inspection process, March 2019

Additional Observation

The City is working on code changes to address vegetation obstruction of sidewalks.

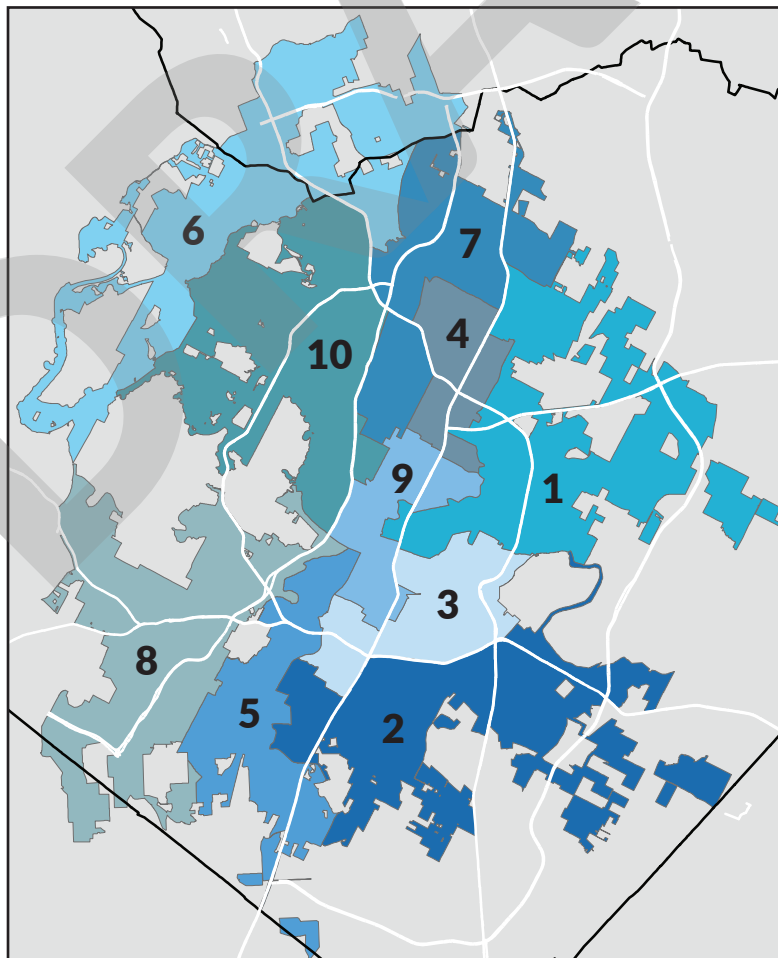
Overgrown vegetation or plants can make it difficult for residents to access sidewalks. 40% of the City's existing sidewalks are blocked by plants according to the Master Plan. Public Works staff are working on changes to City code to address sidewalks covered by plants. If adopted, the code changes would give City staff more authority to issue citations or charge fees to property owners who do not remove plants covering sidewalks. Staff believe these code changes will be approved by the end of 2019.

Appendix

How sidewalks built by the Sidewalks Division in fiscal year 2018 address the total need of missing priority sidewalks in each district

Council District	Total missing priority sidewalks*	Built in FY 18	% of need built in FY 18
1	149 miles	4 miles	3%
2	22 miles	0.9 miles	4%
3	81 miles	1.5 miles	2%
4	85 miles	2.6 miles	3%
5	15 miles	0.7 miles	5%
6	5 miles	0.2 miles	5%
7	85 miles	1.7 miles	2%
8	3 miles	0.03 miles	1%
9	116 miles	2.2 miles	2%
10	19 miles	0.3 miles	1%
Total	580 miles	14.3 miles	2%

*"Priority" indicates sidewalks identified as very high or high priority in the 2016 Sidewalk Master Plan



SOURCE: OCA analysis of Sidewalk Master Plan and Sidewalks Division's data, January 2019

Recommendations and Management Response

1

To provide information for decision making, the Director of the Public Works Department should consider developing a process for the Sidewalks and Special Projects Division to report on progress toward Sidewalk Master Plan goals.

Management Response: Agree

Proposed Implementation Plan: The Public Works Department currently reports on progress toward the Sidewalk Master Plan goals through performance measures which track linear feet constructed annually, as well as through the 2016 Bond implementation reporting. In addition, the Public Works Department will report on the linear feet of sidewalk completed by Public Works as a percentage of the stated Sidewalk Master Plan goals.

Proposed Implementation Date: May 2020

2

To further strengthen the current process for reporting on sidewalk projects, the Director of the Public Works Department should work with the involved City departments and other entities to ensure the Sidewalks and Special Projects Division consistently collects information on sidewalks built or planned to be built in the City by other public entities and private developers.

Management Response: Agree

Proposed Implementation Plan: The Public Works Department will contact other known holders of this data (i.e. Development Services Department, Austin Transportation Department, Cap Metro, local Texas Department of Transportation area offices) to determine amount and form of data as well as other possible data sets available. As scope becomes more defined, the Public Works Department will work with these other entities to propose a methodology whereby this data is regularly reported to Public Works Department for collation and reporting.

Proposed Implementation Date: May 2022

3

To improve the process of ensuring sidewalk quality, the Director of the Public Works Department should update existing inspection policies for projects under the type of contract used to build sidewalks and include a requirement for consistently documenting substantial completion and warranty inspections for sidewalk projects.

Management Response: Agree

Proposed Implementation Plan: The unique nature of the Indefinite Delivery Indefinite Quantity (IDIQ) methodology and contracts can be best documented using forms such as spreadsheets that are not included under the current policy. The Public Works Department management will work with its Construction Inspection Services Division to determine and implement the best options for improving forms and policies needed to address these type of multi-location contracts.

Proposed Implementation Date: May 2020

To ensure the City obtains all required accessibility inspections, the Director of the Public Works Department should:

- ensure that sidewalk locations built by the City's Street and Bridge Operations receive accessibility inspections as required;
- ensure that sidewalk locations built by contracted crews and designed by City engineers receive accessibility inspections as required;
- develop and implement a policy for the sidewalk program that clarifies the Sidewalks Division's role in ensuring registered accessibility inspections for all sidewalk projects as required.

Management Response: Agree

Proposed Implementation Plan: The Public Works Department will review and update current policies to ensure that all projects, as required, obtain the services of a Registered Accessibility Specialist in accordance with State of Texas Architectural Barriers Act.

Proposed Implementation Date: December 2019

DRAFT

Management Response



MEMORANDUM

TO: Corrie Stokes, City Auditor, Office of the City Auditor
FROM: Richard Mendoza, P.E., Director, Public Works Department
DATE: May 23, 2019
SUBJECT: Action Plan – Sidewalk Audit

The Public Works Department agrees with the four recommendations of the Sidewalk Audit. The attached action plan outlines management's proposed strategy for implementation with the end date of May 2022 for full implementation.

Should you have additional questions, please feel free to contact Pirouz Moin, Interim Assistant Director for Operations, at (512) 974-8769.

Thank you.

Scope

The audit scope included new sidewalk construction and existing sidewalk ADA rehabilitation projects associated with new construction from all funding sources in FY17 and FY18.

Methodology

To complete this audit, we performed the following steps:

- interviewed key personnel in the Public Works Department and the ADA Office;
- reviewed Public Works' policies and procedures;
- reviewed the prioritization scores of a sample of 30 completed sidewalk locations;
- observed sidewalk inspections by City inspectors;
- reviewed Daily Progress Reports completed by City inspectors for sidewalk projects for a sample of 30 days;
- reviewed post-construction inspection documentation for a sample of 20 sidewalk locations;
- interviewed the contractor who performs accessibility inspections for the City's sidewalk construction projects;
- validated data provided by Public Works Department staff;
- evaluated internal controls related to the sidewalk project selection and inspection processes; and
- evaluated the risk of fraud, waste, and abuse with regard to the sidewalk project selection and inspection processes.

Audit Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve City services. We conduct performance audits to review aspects of a City service or program and provide recommendations for improvement.

Audit Team

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AustinAuditor



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