



PBOT

PORTLAND BUREAU OF TRANSPORTATION

Policy and Operating Guidelines

PORTLAND BUREAU OF TRANSPORTATION
MAINTENANCE OPERATIONS GROUP
SIDEWALK MAINTENANCE PROGRAM
EIGHTH EDITION-MARCH 2018

City of Portland
Bureau of Transportation, Maintenance Operations Group
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The City of Portland complies with all non-discrimination, Civil Rights laws including Civil Rights Title VI and ADA Title II. To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-5185, TTY 503-823-6868 or Oregon Relay Service: 711 with such requests, or visit <http://bit.ly/13EWaCg>

The City of Portland is committed to providing safe sidewalks for all.

Sidewalks have a way of tying together a neighborhood. Realtors will attest that where sidewalks are good, the neighborhood becomes a more desirable place to live. Sidewalks serve so many purposes; recreation space for joggers, children with tricycles and push toys, an informal meeting place for neighbors and an encouragement for people to make more use of the most basic form of transportation - walking.

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1. OVERVIEW

History

The City of Portland was established many years ago, as a frontier settlement on a muddy riverbank. One of the first priorities was to construct a system of sidewalks as the townspeople wanted to walk from one place to another without wading through mud, tripping over rocks and roots, or dodging horses and wagons.

The earliest sidewalks were rough-sawn wooden planks - low in cost, but requiring continual replacement due to wear and weather. When permanent concrete walks replaced the wooden ones, they were hailed as a major milestone in Portland's emergence as a city.

Legal Authority

Today, the City Charter, adopted by a vote of the people, establishes basic guidelines for sidewalks and curbs. The City Code, adopted by ordinance of the City Council, sets specific requirements for sidewalks, driveways and curbs. Both the Charter and Code sections pertaining to sidewalks, driveways, and curbs are included in Appendix A and B.

In addition, State and Federal regulations dictate additional guidelines for sidewalks and curbs, including but not limited to the American's With Disabilities Act of 1990, ADA Amendments Act of 2008, ADA Accessibility Guidelines (1991 Standards), ADA Standards for Accessible Design (2010 Standards) and US Access Board Guidelines and Standards.

Note: Additional portions of the City Charter, City Code, State and Federal requirements not shown in this document may apply to the construction and repair of sidewalks, driveways, and curb within the City of Portland. Examples include, but are not limited to, Title 5 Revenue and Finance, Title 10 Erosion and Sediment Control, Title 11 Trees and Title 18 Noise Control. See: [Charter, Code and Policies | The City of Portland, Oregon](#).

2. GENERAL RESPONSIBILITIES

The City Charter and City Code delegate the oversight of the sidewalk system to the City Engineer and/or the PBOT Director. The City Engineer is responsible for developing and maintaining sidewalk construction and repair standards, and to ensure that maintenance of the sidewalk system meets those standards.

Title 17 of the City Code identifies property owners as responsible for the construction, reconstruction and maintenance of the sidewalk system abutting their property.

The general division of responsibilities, between the City and property owners, related to the sidewalk system is detailed below:

City of Portland

The City of Portland, through the authority granted to the City Engineer and/or PBOT Director via the City Council, is responsible for the following:

- Inspecting the City's sidewalk system via complaint driven basis to keep the sidewalk system in good repair.
- Maintaining standards that govern how sidewalks are to be constructed and maintained.
- Providing means for citizens to report hazardous conditions.
- Notifying property owners when defects are found.
- Inspecting sidewalk repairs per approved standards and determining the extent of repairs.
- Repairing sidewalk defects that are not addressed and/or improperly constructed by the property owner within specified time frames.
- In the event the property owner does not properly complete the specified sidewalk repair work: assess, bill and collect for work completed by City crews or contractors hired by the City. If necessary, impose liens for such work.
- Ensuring ADA accessibility for the sidewalks by: constructing or altering curb ramps pursuant to ADA design standards; maintaining curb ramps to ensure accessibility under ADA, except for isolated or temporary interruptions in access due to maintenance or repairs; providing alternate accessible route directions (i.e., through signage or

announcement) when accessibility of curb ramp is not available due to construction, maintenance or repair; educating the public on timely snow and ice removal from curb ramps and sidewalks with public transit stops prior to snow season; and using best efforts to ensure timely removal of snow and ice from curb ramps and sidewalks where it would be the City's responsibility.

Property Owners

Property owners are responsible and liable for maintaining sidewalks, driveways, and curb in combination with sidewalks that abut their property. This includes:

- Constructing, reconstructing, and maintaining sidewalks, driveways, and curb in combination with sidewalks. Including the repair of damage caused by street trees.
- Obtaining related permits necessary for constructing, reconstructing, or maintaining sidewalks, driveways, and curb in combination with sidewalks.
- Paying for identified sidewalk repair work completed by City crews or contractors hired by the city on their behalf.
- Maintaining tree wells/grates, vault doors/lids, and planting strips.
- Removing snow and ice.
- Keeping sidewalks clear of obstructions and debris on the ground and extensions or protrusions that may impede path of travel along the sidewalk, including but not limited to branches, leaves, flowers, fruit and other organic matter, leaning fences or overgrown shrubbery.

3. THE SIDEWALK MAINTENANCE PROGRAM

Inspection Frequency

The City Engineer delegates authority to enforce appropriate sections of Portland City Code to the Sidewalk Maintenance Office, within Maintenance Operations, Portland Bureau of Transportation.

Making prudent use of limited resources, the Sidewalk Maintenance Office utilizes a complaint driven inspection program, encouraging citizens and community partners to supplement as observers and reporters of problems in the sidewalk system within the City. Reports may be made by multiple methods including, but not limited to, in-person or telephone, accessible online reporting, and the "PDX Reporter App" for personal electronic devices. In addition, the Bureau will use available technology and data (e.g., GIS, Portlandmaps, Google Earth Streetview) to assess sidewalk conditions, and if greater budgetary resources are available consistently, the Bureau may consider incorporating additional field inspections.

The Sidewalk Maintenance Office will respond promptly to hazardous sidewalks conditions and accessibility issues at both residential and commercial areas. Sidewalk Inspectors will inspect the specific address reported, and also inspect the general area for hazards and post accordingly. A guideline for the "general area" is the block face involved with the initial complaint. On blocks greater than 200 feet, a guideline of approximately 100 feet in each direction of the initial address/complaint will be used.

In addition, as resources allow, pro-active inspections of sidewalk adjacent to corners may be done in the following situations: hazards may be found when paving segments are scheduled by Maintenance Operations Street Systems, deficiencies may be found while conducting compliance inspections of newly constructed or altered corners. In these cases, City staff will make visual inspection of the general area for obvious sidewalk damage, trip hazards, or right-of-way obstructions. Hazards in sidewalks adjacent to corners may be posted for repair or referred to the proper PBOT department or other City offices for further action.

4. SIDEWALK REPAIR NOTICES (POSTINGS)

Excerpts from 17.28.070 Owners to Repair Sidewalks and Curbs Notice to Repair.

"If the City Engineer finds that any such sidewalk or curb needs repair, he or she shall **post** a notice on the adjacent property headed 'Notice to Repair Sidewalk' (or curb) which shall in legible characters direct the owner, agent, or occupant of the property immediately to repair the sidewalk or curb, or both in a good and substantial manner in accordance with the plans, specification and regulations of the City. The City Engineer shall send by mail a notice to repair the sidewalk or curb, or both, to the owner..."

A Sidewalk Repair Notice or "posting" is the notice that is mailed to property owners notifying them that portions of the sidewalk abutting their property need repair.

How Sidewalk Repair Notices (Postings) are Generated

(See Appendix C)

Sidewalk Repair Notices, or "postings" are generated after an Inspector inspects a section of sidewalk and determines repairs are needed. As noted above, inspections will primarily result from complaints, but may also result from PBOT staff making observations of sidewalk conditions while installing or maintaining curb ramps or performing other City functions.

5. SIDEWALK REPAIR NOTICE (Posting Criteria)

Inspectors are primarily looking for defects that may cause people to trip and fall, or may impair accessibility for persons with disabilities, such as vertical separation, commonly known as "stub toes", where portions of the sidewalk are raised. Other hazards may include openings, spalled or chipped areas, wide cracks, deterioration, or areas that are damaged by tree roots.

To assist the Inspectors in the identification of hazards, guidelines have been established. The posting guidelines apply to the City right-of-way from property line where there are existing sidewalks, driveways, carriage walks, curbs, and set back areas (area between the back of sidewalk and property line).

Posting Criteria for Sidewalks and Driveways

(See Appendix D)

All hazards in the City right-of-way, latitudinal and longitudinal, shall be posted for repair.

Stub Toes (Step Separation-Elevated Grade)

A guideline of ½-inch vertical separation for all sidewalk areas will be used in determining if a stub toe is hazardous.

Openings (Holes, Wide Cracks, Concrete Separations)

All openings in the City right-of-way that are considered hazardous shall be posted for repair. A guideline of ½-inch in width and/or ½-inch in depth will be used in determining if an opening is hazardous.

Spalled/Chipped Concrete

Spalled sidewalks, where the concrete is chipped to the point of creating a trip hazard, shall be posted for repair. A guideline of ½-inch in width and/or ½-inch in depth will be used in determining if a spalled area is hazardous.

Raised Sidewalk

Sidewalks that are raised shall be posted when the raised area is hazardous. A guideline that the uppermost point of the raised area being greater than 4 inches from grade, shall be used in determining when a raised area is considered hazardous.

Sunken Areas

Sidewalks and driveways that are sunken may be posted when it causes a trip hazard, or has sunken 4 inches below the original grade.

Root Damage at Adjoining Properties

Where a tree root has lifted the sidewalk or driveway on either side of the property line, both properties may be posted to correct and maintain the grade of the sidewalk or driveway for both properties. Each posted property will have a notation about the adjoining property. To maintain quality of work, the properties should be repaired together. They could be repaired separately, by installing a temporary transition area on the adjoining property, that would later be replaced during the repairs made by the second property owner.

Deteriorated Sidewalk

Sidewalk that is deteriorated will be posted by the Inspector when it is determined the original surface of the sidewalk has been compromised such as by freezing weather, use of salt on the concrete, or the sidewalk has been worn to the point the aggregate has been exposed causing a slipping hazard.

Vaulted Doors

Vault doors that are considered hazardous will be posted for repair. A guideline of a ½-inch stub toe, ½-inch opening, raised/sunken, or generally in a deteriorated or hazardous condition shall apply. Vault doors may also be posted to apply slip resistant material.

Bolts in Sidewalks

Traffic sign bolts and bases, in the City right-of-way, will be inspected and referred to the Traffic Maintenance Section at Maintenance Operations to install missing signposts or eliminate the hazard.

Driveway Approaches

Where less than half of the driveway approach is defective or hazardous, only that portion will be considered. If more than half of the driveway approach is hazardous, it will be necessary to post the entire driveway approach for replacement. Entire driveway approach replacement will conform to current Standard plans and ADA specifications.

Unused Driveway Approaches

All driveway approaches are constructed under a revocable permit and shall be posted for closure if permanently unused and have hazardous areas. Permanently unused driveway approaches, not serving legal maneuvering space on a property, as set forth in planning codes, may be closed. Examples are: driveways blocked by fences, walls, landscaping or driveways to illegal parking areas in yards.

Curbs

Sidewalk Inspectors will identify curb sections in need of repair or replacement during routine inspections. Curbs will be posted when they: present a hazard, are generally in a state of disrepair, or no longer will facilitate or control drainage.

Curb is the property owner's responsibility to maintain and repair, when in combination with, or abutting the sidewalk. Curbs are also property owner responsibility if they have been damaged by tree roots, or willfully damaged (driven on, etc.). See City Code section 17.28.020, Appendix B, Title 17.

Note: curb, when separated from the sidewalk by a planting strip area that has not been willfully damaged or damaged by tree roots, is the City's responsibility to maintain. Existing horse-rings are considered historic and shall be replaced during curb repair projects.

Tree Wells

Hazards found in and around tree wells will be posted for repair. If during an inspection, trees are found to be missing from tree wells, a notation is made on the posting to contact the City's Urban Forestry Division for tree replacement information.

Bricks and Pavers

The Transit Mall, and similar areas, where the pedestrian areas are paved with brick, are posted using the following guidelines:

- Stub Toes in Brick Areas - All "stub toes" latitudinal, as well as longitudinal, in the City right-of-way, that are hazardous shall be posted for repair. A guideline of a ½-inch shall be used in determining if the stub toe is hazardous.
- Openings in Brick Area - All openings in the brick or mortar, that are hazardous, shall be posted for repair. This is to include missing mortar between bricks and/or missing bricks or partially missing bricks. A guideline of a ½-inch in width and/or ½-inch in depth shall be used to determine hazards.
- Spalled/Chipped Bricks - Bricks that have been chipped, causing a hazardous condition, shall be posted for repair. A guideline of a ½-inch in width and ½-inch in depth, shall be used to determine hazards.
- Loose Brick - Loose bricks, not bonded to the base, shall be posted for repair. Brick movement shall be the guideline to determine if the brick is considered hazardous.

Corners

Corners are generally defined as the wedge or curb radius area between sidewalks. The corner area is the City's responsibility to maintain. Guidelines for repair and replacement of corners shall be the same as the guidelines used for sidewalks and driveways. All corner repair and/or replacement must be done to strict design standards mandated by the American Disabilities Act to ensure accessibility for all persons including persons with disabilities.

Historical Stamps

Historic dates, and street names, in existing sidewalk corners will be preserved, or re-stamped, into the new concrete. Where sidewalk repairs include curb repairs that disturb existing historical stamps in the concrete, the permittee must:

- Stamp the dates and/or street names in the curb as close to the original location as practical.
- Re-stamp the dates and street names exactly as they existed in the sidewalk corner. This includes misspelled words and names no longer used for the street names. However, for dates, the original date, with a slash and the current date, are required to be re-stamped into the new corner curb. Refer to City Specification 00759.50 Surface Finishing (Appendix E, Surface Finishing).
- Not preserve or re-stamp contractor names.

6. SIDEWALK REPAIR STANDARDS

(See Appendix F)

Repairs made to: sidewalks, driveways, curbs and corners, will comply to current City Standard Construction specifications and ADA design specifications.

All curb repair must be done to design standards.

7. WORKING AROUND TREES

Trees are one of the City's greatest assets. To ensure that the trees are not damaged due to root removal or injury, the operating policy follows:

If tree roots are found in the City right-of-way during the repair of sidewalk, driveway, curb, or corner, and could possibly be damaged by the repair work, it will be necessary to contact the Urban Forestry Division at 503-823-TREE (8733) to request a root inspection.

The City Forester will attach a root inspection card to a barricade on the job site, with the inspection results. Permitted sidewalk repairs normally have a three-year warranty, except when tree roots are involved. Root inspection reports made on posted properties are sent to the Sidewalk Maintenance Office, where they are filed with corresponding posted property files.

When repairing sidewalks adjacent to trees, it may be necessary to modify the tree wells. When modification is necessary, maintain a minimum clearance of 5 feet for pedestrian passage in neighborhoods, and 6 feet in the Central Business District and any high pedestrian areas.

When repairing sidewalks damaged by roots, the following actions may be taken to reduce further root damage:

Radius Block outs

- The width of the sidewalk may possibly be reduced when roots have encroached into the sidewalk area. This leaves room for root expansion when Urban Forestry will not allow roots to be cut.

Reduced Sidewalk

- Sidewalks may be reduced by 1 foot, if necessary, for an existing 6-foot-wide sidewalk in cases where roots are encroaching into the sidewalk area, and Urban Forestry will not allow roots to be cut.

Ramp Over Roots

- When roots are not allowed to be cut, as determined by Urban Forestry, and/or when the depth of concrete over roots will be less than 4" deep. This action may require additional sidewalk removal so that ramp slopes are compliant with Americans with Disabilities Act (ADA) specifications.

Drop Curb (Asphalt Berms)

- Drop curb may be used when trees, and/or tree roots, push portions of the curb into the street. Drop curbs allow flexibility for trees and/or roots, while maintaining drainage. Consult with a Sidewalk Inspector.

8. REPAIRS COMPLETED BY PROPERTY OWNER

Initial Inspection and Notification

All information received regarding hazardous sidewalk conditions, in the City right-of-way, at a specific location, will be put into the Bureau's electronic tracking form. An Inspector will inspect and post, if necessary, the appropriate address.

If hazards are found during inspection, the Sidewalk Inspector will create a Sidewalk Repair Notice.

Elements of a Sidewalk Repair Notice (Posting)

Following the inspection of a property, if hazards are found, the Sidewalk Inspector creates a Sidewalk Repair Notice which includes:

- Current property owner, per Tax Records.
- Date of inspection.
- Address of the property.
- Affidavit of posting number.
- Legal property description.
- A detailed diagram of the posted hazards.
- Estimated cost of repairs, for City crews or City hired contractor.

The diagram will indicate areas for repair necessary to eliminate the hazards, based on City Code and operating guidelines. This diagram will serve as the basis for City made repairs.

Property owners will be given a minimum of **60 days** to complete repairs. If repairs are not completed within **30 days** of initial notification, a reminder notice will be mailed to the property owner.

If repairs are not completed, within the 60-day time allowance, the areas to be repaired will be marked out, and the job will be given to a City crew or City hired contractor to perform the required sidewalk repairs.

Time Extensions

A Property owner may make request for time extensions in response to a Sidewalk Repair Notice if reasonable cause is provided with the request. The Sidewalk Maintenance Office may grant a limited time extension for property owners to make repairs in the following situations:

- New Property Owner - When the Sidewalk Repair Notice was not disclosed to the new property owner, an additional 30-day extension may be granted.
- Legal Questions - When there are legal questions or matters concerning: ownership, responsibility, property lines, etc., extensions may be granted until legal questions have been answered.
- Plans for Construction - When a posted property will be affected by construction, temporary repairs may be required before the extension is granted.

It is the responsibility of the requesting party to provide sufficient information for the Sidewalk Maintenance Office to review the request for time extension.

Hiring a Contractor

It is the property owner's responsibility to undertake the sidewalk repairs directly or by employing a contractor to make repairs. It is the property owner's responsibility to ensure work is done competently and correctly. It is prudent for a property owner to obtain more than one bid, to check references of the contractor selected and to check the CCB license to ensure it is current with the State Construction Contractor Board at [State of Oregon: Construction Contractors Board](#). The City will not make referrals or recommendations regarding private contractors.

Obtaining a Repair Permit

A repair permit is required to work in the City right-of-way. Sidewalk repair permits can be obtained, in person, from the Sidewalk Maintenance Office located at 2929 N. Kerby Avenue, Portland, Oregon. A permit fee is associated with the permit. Permit fees are approved by City Council and may change every July 1st. The fee is calculated based on the square footage of needed repairs. Contact the Sidewalk Maintenance Office at 503-823-1711 or Sidewalkrepair@portlandoregon.gov for current office hours and permit fees.

A property owner may obtain a permit in their name, for work they will perform. Alternatively, a contractor employed by the property owner may obtain the permit. It is the responsibility of the permittee to ensure that the repair work receives a final inspection before the permit expires.

A permit will only be valid for a maximum of 1 month beyond the 60 days allowed in Portland City Code.

If there are any expired permits issued to an individual or company, no additional permits will be issued until “Repairs Are Complete And Satisfactory” results are obtained for all outstanding permits.

If an applicant feels that permits are unjustly withheld, they can appeal the decision, in writing, to the Supervisor. The Supervisor will rule on the appeal within 5 working days.

Proceeding with Work

The permittee, whether the property owner or the owner’s contractor, must obtain Sidewalk Maintenance Office approval, for certain work phases and for inspection of final work.

Permittee must obtain:

- Form Inspection
- Permission Granted to Pour
- Final Inspection

Form Inspections and Obtaining Permission to Pour

After all posted areas have been excavated to proper depth, forms for the area for concrete pours have been set, barricades are in place, and all debris has been removed from the City right-of-way, permittee must request a ‘form inspection’ by filling out the online form at: www.portlandoregon.gov/transportation/sidewalks. Alternatively, permittee may call the Sidewalk Maintenance Office at 503-823-1711 to request the form inspection. The request must include the posted address and the affidavit number.

An inspection card will be attached to a barricade on site indicating whether the formwork passed inspection.

If an inspection card reading "Do Not Pour Concrete" is issued, the deficiencies need to be corrected before another form inspection is requested. Once an approved form inspection card is issued, "Permission Granted to Pour", the concrete may be poured.

If any concrete is poured without “Permission Granted To Pour”, some or all the poured concrete may need to be removed, formed again, formwork inspected, and re-poured. It may also be a requirement that areas be core drilled. A Sidewalk Inspector, a Supervisor, or the Division Manager in charge of the Sidewalk Maintenance program may require this work. Pictures of the affected areas are not a substitute for a form inspection.

Contraction/Expansion Joints will be placed at the direction of the Sidewalk Inspector. Expansion material is a pre-molded strip made of tar-impregnated, black felt like material that can be purchased at most building supply stores. Gray recycled paper expansion material is not

acceptable. Wood strips, including cedar and pressure treated lumber, are not acceptable as they decay over time.

Concrete replacement will be tooled to match existing patterns and have a broomed finish per City Specifications

Form Consultations

If there are questions about forming around roots after the root inspection has been made, contact the posting Inspector, or the Sidewalk Maintenance Office at 503-823-1711 to request a form consultation. When repairing sidewalks and driveways that have been damaged by tree roots, it may be necessary to replace additional concrete depending on the size and location of tree roots that are not allowed to be cut and removed. A temporary transition area may be needed.

Transition Areas

In some cases, it may be necessary to install a temporary transition area onto the neighboring property. This process allows repairs to be made without creating a hazard at the property line. Permittee needs to verify with a Sidewalk Inspector to determine the area needed to make a proper transition. If adjacent properties are repaired at the same time, a temporary transition area will not be necessary.

Final Inspections

When concrete work is completed, all forms are removed, all voids are backfilled with dirt, and compacted to the top edge of the new concrete, and job site has been cleaned up, a final inspection must be requested online at: www.portlandoregon.gov/transportation/sidewalks. Alternatively, permittee can call the Sidewalk Maintenance Office at 503-823-1711 to request a final inspection. The request must include the posted address and the affidavit number.

If the work is found satisfactory, a "Repairs are Complete and Satisfactory" inspection card will be issued, and the Sidewalk Repair Notice will be closed.

If work is found unsatisfactory, a "Repairs Not Acceptable" inspection card will be issued. The card will specify any corrections that need to be made. Another final inspection, and possibly another form inspection, must be requested. It is the responsibility of the permittee to address all unsatisfactory work until an inspection indicates "Repairs are Complete and Satisfactory".

Note: Final Inspection cards will **not** be left at the door of businesses or rental properties. The notice is for the property owner, or the contractor working on their behalf. The inspection card will be placed in the corresponding Sidewalk Repair Notice files in the Sidewalk Maintenance Office and be available to the property owner or contractor. The Final Inspection card **will** be left at the door of owner occupied property.

9. CITY REPAIR PROCESS

When repair work for posted sidewalk repair is not done by owner or completed within the allowable time, the City will perform the repair, charge owner for repair costs and may assess a lien against the property if the City repair costs are not paid.

Notice of Unrepaired Posting (30 Day Reminder Letter)

All property owners will be sent a "Notice of Unrepaired Posting" letter after 30 days have passed if the repairs have not been completed. It will state the approximate date that City crews, or contractors hired by the City, will begin repairs, and includes the approximate cost of repair.

Mark Out

Prior to scheduling repairs to be made by City crews, or contractors hired by the City, owner information on Sidewalk Repair Notices will be verified and permit records will be checked. If it is found that the hazard has been repaired satisfactorily pursuant to issued permit (i.e., inspection showing "Repairs are Complete and Satisfactory") then the Sidewalk Repair Notice will be closed.

If repairs are made without required permit, a "Repairs Not Acceptable" inspection card will be issued, with a notation that the property owner is required to obtain a repair permit to resolve the Sidewalk Repair Notice. If repairs are made without required approved form inspection, a "Repairs Not Acceptable" inspection card will be issued, and it may be necessary to core drill test areas to confirm concrete has been poured to the proper depth. The property owner will be responsible for the cost of such testing.

Properties where the hazard has not been satisfactorily repaired will be marked out and scheduled for repair by City crews or the City hired contractor. Additional hazards found may be marked out for repair and the property owner will be responsible for the cost.

Property owners, or their contractor, may be allowed to make minimal repairs. Grinding or partial square replacement is acceptable in some cases. However, if repairs are completed by City of Portland crews, or a contractor hired by the City, minimal repairs will **not** be done. These repairs are not considered permanent, and full square replacement is the standard that the City will use for construction.

City Right to Collect Repair Charges - Proposed Assessment Notices

In situations when the City makes sidewalk repairs due to owners having failed to do so, the City has the right to collect for the costs of the repair work and to assess a municipal lien against the property.

The repair amount is calculated to recover all direct costs and applicable overhead. The charge to the property owner will include the repair amount and the City Auditor's assessment fee of 10% to cover costs of establishing and managing accounts as provided under City Code.

The City Auditor's Office will prepare and mail a "Notice of Proposed Assessment" to the property owner. The notice will be mailed at least 21 days before a public hearing is scheduled on the proposed assessment.

Appeal Process – Remonstrance

Any owner assessed for sidewalk repair may file a remonstrance to the proposed assessment with the City Auditor. The remonstrance must be in writing and received by the City Auditor's Office 8 days prior to the assessment hearing. When a timely remonstrance is filed, the City Auditor's Office removes the property from the filing of proposed assessment, for further assessment investigation by PBOT.

All disagreements regarding proposed assessment for Sidewalk Repair will be directed to the Inspector's Supervisor. The Supervisor will investigate all such cases, resulting in three possible outcomes:

1. Cancellation of the bill
2. Reassess the full amount
3. Lower the amount and reassess

After investigation and modification, if any, the finding on the remonstrance will be added back to the next scheduled assessment. If the remonstrance party is still not satisfied, that owner can appeal directly to City Council through the public hearing process. The Council will affirm or modify the proposed assessment based on its findings. The decision of the Council may be appealed to the Court by writ of review.

Assessment

On all proposed assessments that are directed for final assessments after the hearing, the City Auditor's Office will mail a "Final Assessment Notice". Property owners will have thirty (30) days from the date of the final assessment notice to pay or finance the final assessment. If the final assessment is not paid, or financed, by the thirty (30) day deadline, the City Auditor's Office will add late interest, penalties and collection costs to the assessment.

The City Council authorizes the City Auditor's Office to place liens on properties to insure payment of the final assessment. If a property owner fails to pay off the assessment, or make timely installment payments, the City may foreclose and collect the assessment through the sale of the property.

10. HOW TO CONTACT US

The Sidewalk Maintenance Office is located at 2929 N. Kerby Avenue, Portland, Oregon, 97227, and can be contacted by calling 503-823-1711. The email address is Sidewalkrepair@portlandoregon.gov.

Appendix A - Related Excerpts from the City Charter

Note: The following City Charter and Code provisions are current as of when this document went to print/live. PBOT will use reasonable efforts to update these provisions. For the most current versions please refer to: [Charter, Code and Policies | The City of Portland, Oregon](#).

Chapter 9: Local Improvements; Assessments; Collections

Article 4: Streets and Street Improvements

Section 9-407 Sidewalk Improvements and Repairs; Duty of Owners.

Sidewalks may be improved either as a part of a general street improvement or by separate proceedings. The Council may determine the grade and width of all sidewalks, materials to be used and specifications for construction. It is the duty of all owners of land abutting any street in the City to construct, reconstruct and maintain in good repair the adjoining sidewalks. If the owner of any parcel of land allows an adjoining sidewalk to be out of repair, the City Engineer shall post notice on the property directing the owner, agent or occupant thereof immediately to repair it in accordance with City specifications. If the owner, agent or occupant of any parcel of land does not properly make the sidewalk repairs within the time designated in the notice, the City Engineer may make the repairs, keeping an account of the cost and reporting it to the Council with description of the parcel of land abutting the repaired sidewalk. The Council has the same general authority and supervision over sidewalk repairs as over street improvements. If the Council finds the costs reported by the City Engineer to be reasonable, it shall approve them and thereafter, at least once a year, by ordinance assess upon each of the parcels of land abutting repaired sidewalks, the cost of making the repairs with an additional overhead charge to defray the cost of notice, engineering and advertising. All such assessments may be combined in one assessment roll and they shall be entered in the docket of City liens and collected in the same manner as are other local improvement assessments. [New sec. Nov. 8, 1966; am. Nov. 3, 1992.]

Section 9-408 Damages for Negligence.

Owners of land within the City are liable for all damages resulting from their failure to put an adjoining sidewalk in repair after notice to repair as provided in this Article. No action shall be maintained against the City by or for any person injured because of any sidewalk defect. [New sec. Nov. 8, 1966; am. Nov. 3, 1992.]

Appendix B - Related Excerpts from City Code

Title 16: Vehicles and Traffic

16.70.810 Street Obstructions and Dangerous Conditions.

(Added by Ordinance No. 176585, effective July 5, 2002.) No person, whether acting as private citizen, principal, employee or agent shall:

- A.** Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are:
 - 1.** plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions, and
 - 2.** placed on the edge or side of the obstruction nearest the center of the street.
- B.** At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or
- C.** Remove such a barricade from any street while the danger continues.

Title 17: Public Improvements

17.28.010 Sidewalk Defined.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A "**sidewalk**" means the portion of the street intended for the use of pedestrians. Unless the street area has been designated as a pedestrian mall, or unless the entire street has been designated primarily for pedestrian use, for the purpose of this Chapter, "sidewalk" is that part of a street on the side there of intended for the use of pedestrians, improved by surfacing.

17.28.020 Responsibility for Sidewalks and Curbs.

(Amended by Ordinance Nos. 182760, 183397 and 184957, effective November 25, 2011.)

- A.** The owner(s) of land abutting any street in the City shall be responsible for constructing, reconstructing, maintaining and repairing the sidewalks, curbs, driveways and parking strips abutting or immediately adjacent to said land, except as provided in Subsections B. and C. Said property owner(s) shall be liable for any and all damages to any person who is injured or

otherwise suffers damage resulting from the defective condition of any sidewalk, curb, driveway or parking strip adjacent to said land, or by reason of the property owner's failure to keep such sidewalk, curb, driveway or parking strip in safe condition and good repair. Said property owner(s) shall be liable to the City of Portland for any amounts which may be paid or incurred by the City by reason of all claims, judgment or settlement, and for all reasonable costs of defense, including investigation costs and Attorney fees, by reason of said property owners' failure to satisfy the obligations imposed by the Charter and Code of the City of Portland to maintain, construct, and repair such sidewalks, curbs, driveways and/or parking strips.

B. Curbs shall be maintained by the City, except when in combination with the sidewalk and when they have been willfully damaged or damaged by tree roots. Intersection corners and curbs adjacent thereto may be installed by the City when sidewalks and curbs are constructed up to the intersection on the same side of the street.

C. Green street or other public stormwater management facilities located within the right-of-way shall be modified or repaired only by the City or under an appropriate permit from the Bureau of Environmental Services.

D. The City Engineer shall maintain general construction and maintenance specifications for sidewalks, curbs, driveways and/or parking strips. The City Engineer shall use the specifications to determine compliance with this Chapter of Code. The Director of the Bureau of Transportation shall provide copies of the specification to any person upon request, and make the specifications available for public inspection during normal office hours.

17.28.025 Property Owner Responsible for Snow and Ice on Sidewalks.

(Added by Ordinance No. 176585, effective July 5, 2002.)

A. The owner(s) and/or occupant(s) of land adjacent to any street in the City shall be responsible for snow and ice removal from sidewalks abutting or immediately adjacent to such land, notwithstanding any time limitations.

B. Property owner(s) and/or occupant(s) shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from failure to remove snow and/or ice accumulations.

C. Property owner(s) and/or occupant(s) shall be liable to the City of Portland for any amounts paid or incurred consequent from claims, judgment or settlement, and for all reasonable investigation costs and attorney fees, resulting from the responsible property owner's or occupant's failure to remove snow and ice accumulations from such sidewalks as imposed by this Code.

17.28.070 Owners to Repair Sidewalks and Curbs Notice to Repair.

(Amended by Ordinance Nos. 183348 and 184957, effective November 25, 2011.) After a sidewalk has been improved or constructed, either alone or in combination with a curb, the owner of land abutting the street area in which the sidewalk has been constructed shall be responsible for maintaining such sidewalk and curb in good repair. If the City Engineer finds that any such sidewalk or curb needs repair, he or she shall post a notice on the adjacent property headed "Notice to Repair Sidewalk" (or curb) which shall in legible characters direct the owner, agent, or occupant of the property immediately to repair the sidewalk or curb, or both in a good and substantial manner in accordance with the plans, specification and regulations of the City. The City Engineer shall send by mail a notice to repair the sidewalk or curb, or both, to the owner, if known, of such property, or to the agent (if known) of the owner, directed to the post office address of the owner or agent when known, or if the post office address is unknown, the notice shall be directed to the owner or agent at the address where the notice was posted. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of the property, or mistake in address shall not invalidate said notice, but in such case the posted notice shall be sufficient.

17.28.080 Permit for Sidewalk and Curb Repairs.

(Amended by Ordinance Nos. 183348 and 186083, effective July 12, 2013.) After notice to repair defective sidewalk or curb, or both, has been posted, the owner, agent or occupant shall make the repairs within 60 calendar days from the date of posting. Any person desiring to repair a defective sidewalk, curb or both, either before or after notice to repair has been posted, shall first obtain a permit. The permit shall prescribe the kind of repair to be made, the material to be used, and specifications therefore, including the location and size. Any person desiring to construct or reconstruct sidewalk or curb, or both, shall first obtain a permit therefore and pay the fees elsewhere prescribed in Chapter 17.24.

17.28.090 Repair by City of Portland.

(Amended by Ordinance Nos. 183348 and 186083, effective July 12, 2013.) If the owner, agent or occupant of any lot, part thereof or parcel of land which has been posted with notice to repair a sidewalk or curb, or both, shall fail, neglect or refuse to make repairs within the period of 60 calendar days after posting, the City Engineer may as soon as the work can be conveniently scheduled, make the repairs, and the cost shall be determined and assessment made as provided in this Chapter.

17.28.150 Billing for Charges.

(Amended by Ordinance No. 183348, effective December 18, 2009.)

A. When work is completed by the City on any construction, reconstruction or repair of a sidewalk, curb or driveway, the amount of the charge shall be determined by the City Engineer or responsible bureau and reported to the City Auditor. The City Auditor shall calculate a proposed assessment that includes the amount of the improvement charge plus 10% of the charge to defray the administrative costs of notice, assessment and recording.

B. The City Auditor shall prepare a proposed assessment notice for the owner of each property or the owner's agent as shown in the County tax records. The notice shall be mailed at least 21 calendar days before the public hearing on the proposed assessment, and the notice shall consist of the following information:

1. The legal description and site address of the property;
2. The amount of the proposed assessment against the property;
3. The manner and deadline for filing a written remonstrance to the proposed assessment amount;
4. The date, time and location of the public hearing for Council consideration of the proposed assessment; and
5. Contact information for sidewalk repair.

C. Any owner of property proposed to be assessed for sidewalk repair may file a remonstrance to the proposed assessment with the City Auditor. The remonstrance must be in writing and received by the City Auditor via US mail or hand delivered no later than 5:00 PM eight (8) calendar days prior to the hearing by the City Council on the proposed final assessment. Upon receipt of a timely filed remonstrance the City Auditor shall remove the property from the filing of the proposed assessment before the council hearing date, and shall refer the remonstrance to the responsible bureau for follow-up and response.

D. The City Auditor shall mail the proposed assessment notice by first class mail to the owners of the affected property. The notice shall be deemed given upon deposit in the U.S. mail.

17.28.160 Assessment of Charges.

(Amended by Ordinance Nos. 182760 and 183348, effective December 18, 2009.)

A. The City Auditor shall refer to the City Engineer or responsible bureau all remonstrances and remove from further assessment action the proposed assessments which are associated with the remonstrances. The City Engineer or responsible bureau shall review each remonstrance by taking the following actions:

- 1.** Determine whether the improvement work was required by Code and whether the conditions required the improvements, whether the required improvements are consistent with Code and City specifications, and whether the improvement charges are calculated as provided by Code; and
- 2.** Determine the extent of actions or adjustments which are necessary to bring the proposed assessment into compliance with Code and program standards; and
- 3.** Mail a statement of findings to the remonstrating property owner, and file a copy with the City Auditor. The findings shall include a statement that the property owner may appeal the determination to the Council.

B. The Council shall conduct a public hearing on the proposed assessments, however is should be held no sooner than 20 days following the date of the proposed assessment notice as provided in this Chapter. The Council shall consider and make its determinations based on the requirements of this Code and the City specifications maintained by the City Engineer. The Council shall affirm or modify the proposed assessments based on its findings. The Council's decisions shall be implemented by ordinance which sets forth its findings and decision. The decision of the Council may be appealed to the court by writ of review.

C. Following adoption of the assessing ordinance, the City Auditor shall mail a final assessment notice to the owners of the affected property as shown on the last available assessment roll in the office of the county assessor. The notice shall be deemed given upon deposit in the U.S. mail. The notice shall contain the following information:

- 1.** The legal description and site address of the property;
- 2.** The final assessment amount;
- 3.** A statement that the final assessment is recorded in the Docket of City Liens, and is a lien which has first priority against the property as provided by state statute;
- 4.** The manner and deadline for paying the final assessment in full or requesting to pay the final assessment in installments if authorized by Code;

5. The interest, penalties and collections costs which shall be charged if the final assessment is not paid or an installment payment contract is not filed before the deadline contained in the notice; and

6. A statement that delinquent final assessments may be collected by foreclosure and property sale.

D. The City Auditor shall maintain a Docket of City Liens containing final assessments on property. Any unpaid final assessment shall be recorded in the City lien docket, and it shall be binding upon the property owner and all subsequent property owners of the property or any segregated part of it. The docket shall stand thereafter as a lien docket the same as ad valorem property taxes assessed in favor of the City against each lot or parcel of land until paid, for the following:

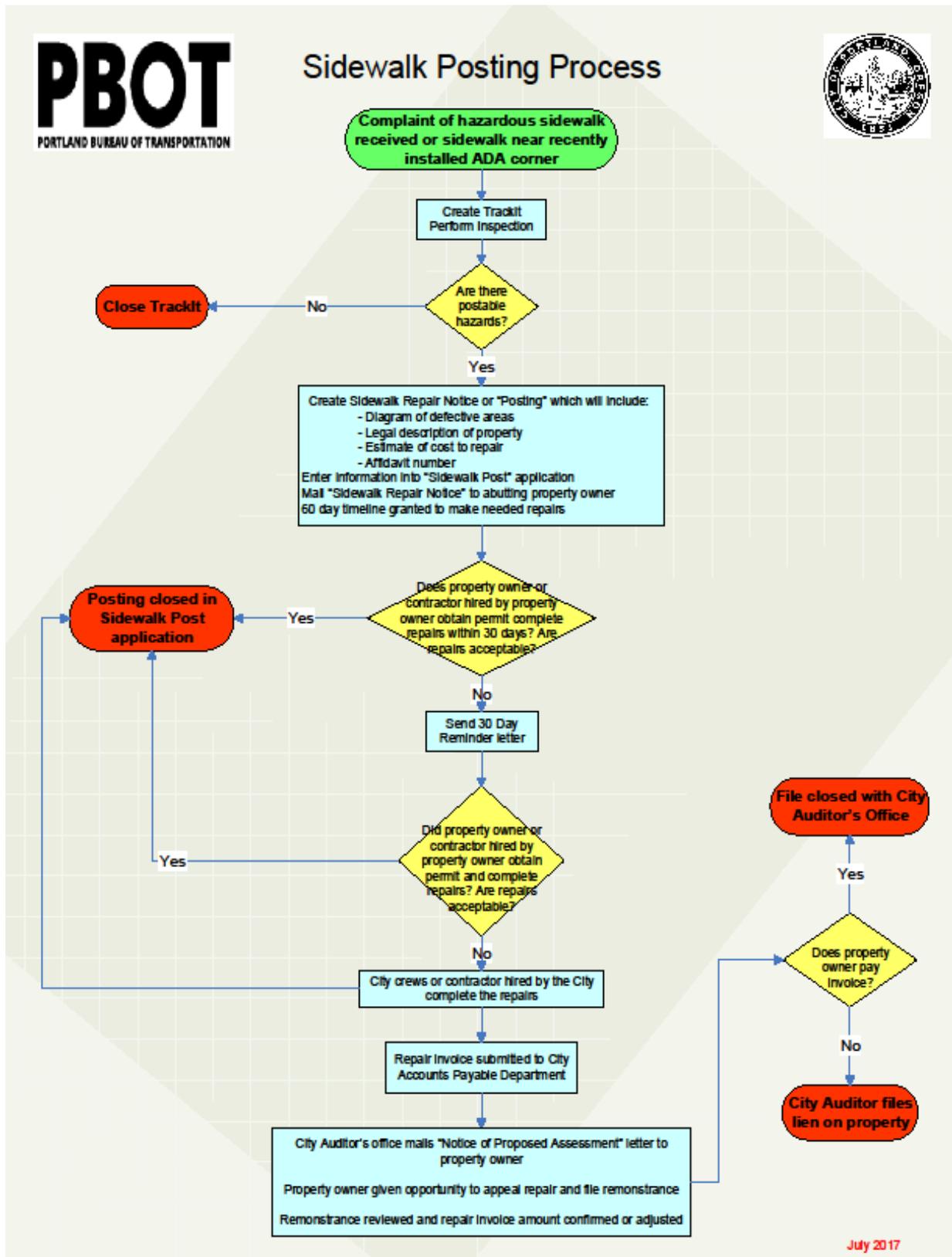
1. The amount of the unpaid final assessments docketed, with accrued interest at the rate determined by the City Council, or in the case of an installment contract, at the rate set forth in the contract; and

2. Any additional interest, penalties, or billing charges imposed by the City with respect to any installments of final assessments which are not paid when due.

E. All unpaid final assessments together with accrued and unpaid interest and penalties and billing charges are a lien on each lot or parcel of land respectively, in favor of the City and the lien shall have first priority over all other liens and encumbrances whatsoever.

F. The City shall enforce assessment liens and installment payment contracts under this Chapter in the same manner as other City assessments as set forth in Title 5.

Appendix C – Sidewalk Posting Flowchart



Appendix D - Sidewalk Maintenance Standards



SIDEWALK MAINTENANCE STANDARDS

July 2017

Any one or more of the below criteria applies to sidewalk, driveway and driveway setback areas in the city right of way where concrete or asphalt exists.

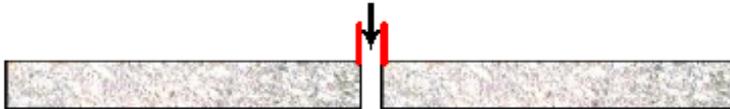
These are general guidelines and the Sidewalk Inspector will use his/her professional judgment to determine additional needed repairs.

1. Trip hazard.

Sidewalks will be posted for hazards when there is a vertical step separation equal to or greater than $\frac{1}{2}$ ".

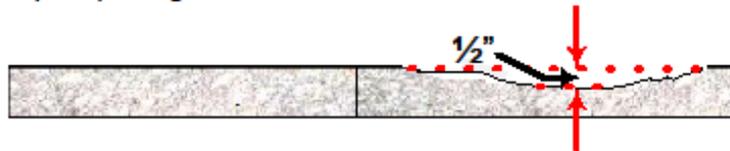


2. Openings or cracks. Sidewalks will be posted for hazards when openings or holes in the sidewalk equal or exceed $\frac{1}{2}$ ".



3. Spalling sidewalks.

Sidewalks will be posted for hazards when the sidewalk surface is chipped or deteriorated to a depth equal or greater than $\frac{1}{2}$ ".



PBOT
PORTLAND BUREAU OF TRANSPORTATION

Appendix E - Excerpt from City of Portland Construction Specifications: Surface Finishing

00759.50 Surface Finishing:

(a) General - Remove forms, if any, from structures after the concrete has taken its initial set and while the concrete is still green. Repair minor defects with mortar containing one part portland cement and two parts sand. Do not plaster exposed surfaces. The top and face of structures shall be true and straight, free from humps, sags, or other irregularities. The surface shall not vary more than 1/4 inch from the edge of 12 foot long straightedge laid on the top or face of the structure, except in curves. Furnish the straightedge and operate it as directed. Unless otherwise shown or directed, tool edges to 1/4 inch radius.

(b) Curbs, Islands, and Stairs - While the concrete is still green, finish the exposed surfaces as required to produce a smooth surface and uniform texture.

(c) Driveways, Walks, and Surfacing - Finish concrete surfaces to smooth and uniform texture by troweling, floating and cross brooming. Lightly groove or mark surfaces into squares or other shapes to match markings on similar existing surfaces in the vicinity, as directed. On all sidewalk ramps and accessible route islands, install truncated domes as shown. Place according to the manufacturer's recommendation.

(d) Historic Dates and Names - Historic dates and street names in existing sidewalk corners will be preserved or restamped into the new concrete. Stamp the dates or names in the curb as close to the original location as practical. Restamp the dates and names exactly as they existed in the sidewalk corner. This includes misspelled words and names that are no longer used for the street name. However for dates, the original date with a slash and the current date are required to be restamped into the new corner curb. Do not preserve or re-stamp Contractor names. A set of stamping tools is available for loan through the Street Construction Office on a first-come, first-serve basis.

Appendix F – Typical Sidewalk and Driveway Repair

NOTES:

- SIDEWALK REPAIRS ARE REQUIRED BY THE CITY FOR HORIZONTAL AND VERTICAL DISPLACEMENT 1/2" OR GREATER AND FOR SUNKEN OR RAISED SIDEWALKS EXCEEDING 4" FROM ORIGINAL FINISH. OTHER SURFACE DETERIORATION AND OTHER CONDITIONS MAY ALSO REQUIRE SIDEWALK REPAIRS.
- SAW-CUT ALL SIDEWALK SECTIONS TO BE REMOVED. ALL SAW OVERCUTS SHALL BE A MINIMUM OF 12" FROM EDGE OF WALK AND EXISTING JOINTS.
- REPAIR SIDEWALK AND DRIVEWAYS USING ALL APPLICABLE CITY STANDARDS.
- USE 2" X 2" MINIMUM REPAIR SIZE IN SIDEWALKS AND 3" X 3" MINIMUM REPAIR SIZE IN DRIVEWAYS. ALL JOIN REPLACEMENT SECTIONS SHALL BE PARALLEL OR PERPENDICULAR TO EXISTING SCORING / JOINTS TO MAXIMUM EXTENTS PRACTICABLE.
- REPLACE ALL SCORE LINES PER EXISTING SCORING PATTERNS.
- PROWING EXPANSION JOINTS IS NOT ALLOWED. IF REMOVED, EXISTING EXPANSION JOINT ON ROAD SIDES, FORM / POUR SECTION INDICATED BY TYPICAL AND REPLACE EXPANSION JOINT WITH SCORE LINES.
- GRINDING SHALL ONLY BE ALLOWED BY PRIOR APPROVAL. GRINDING REPAIR SECTION SHALL NOT EXCEED 1' VERTICALLY. SEE TYPICAL SECTION 1.
- GRINDING REPAIR SECTION SURFACE FINISH SHALL CONFORM TO THE NON-SLIP COEFFICIENT OF FRICTION PER STANDARD SPECIFICATION SECTION 02.40.30. THIS CAN BE ACHIEVED BY ROUGHENING THE SURFACE WITH A SAW-BLADE OR OTHER APPROVED METHOD.
- CONCRETE PAVEMENT REPAIR SECTION SHALL BE A MINIMUM OF 6" X 8" OR TO THE NEAREST JOINT.
- UNIT PAVERS MAY BE USED TO MITIGATE SIDEWALK LIFTING AND TREE ROOT PROBLEMS. COMPLETE REPAIR TO THE NEXT FULL JOINT AND 6" MIN. AREA. SEE STD. DWG. NO. P-672 FOR UNIT PAVEMENT DETAILS.
- SKIN PATCHING / PLASTERING IS ONLY ALLOWED AT VAULTED AREAS OF SIDEWALK. 1" DEPTH MINIMUM REPAIR. COORDINATE WITH CITY ENGINEER AND/OR INSPECTOR.
- TRIANGULAR REPAIRS SHALL:
 - HAVE TWO SIDES NO LESS THAN 1' AND NO GREATER THAN 3'
 - HAVE TWO SIDES ON EXISTING SCORING / JOINTS OR EXCEPT BY PRIOR APPROVAL
 - NOT CONTAIN ANGLES GREATER THAN 90 DEGREES
 - BE LESS THAN OR EQUAL TO 1/4 OF ANY SIDEWALK PANEL DEFINED BY A SCORE LINE OR JOINT.
 - NOT BE USED IN DRIVEWAYS.
- WHEN TREE ROOTS ARE IN CONFLICT WITH THE REPLACEMENT OF SIDEWALKS (I.E. ROOTS ARE IN THE SIDEWALK SECTION), ROOT INSPECTION BY THE CITY FORESTER IS REQUIRED BEFORE CUTTING AND/OR REMOVING ANY ROOTS.
- FOR DRIVEWAY REPAIRS:
 - WHEN EXISTING CURB EXPOSURE IS 6" OR LESS, OMIT THE 1" UP IN DRIVEWAY APRON.

DRIVEWAY REPAIR PLAN (WITH OR WITHOUT TIE-BARS)
FOR TIE-BAR INSTALLATION DETAILS, SEE STD. DWG. NO. P-616

TYPICAL GRINDING REPAIR SECTION

SECTION 1

NOT TO SCALE

PORTLAND BUREAU OF TRANSPORTATION

Standard Detail Title

TYPICAL SIDEWALK & DRIVEWAY REPAIR (BY PROPERTY OWNER)

Effective Date: 01-01-2017
 Draft: Sheet No.: -
 Revision Request Date: -

Standard Detail No. **P-554**

The selection and use of this Standard Detail while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user.

NOTE: All materials and workmanship shall be in accordance with the City of Portland Procurement Specifications.