

BOARD OF SUPERVISORS

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FRANK R. MECHAM, Supervisor District One
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ADAM HILL, Supervisor District Three
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JAMES R. PATTERSON, Supervisor District Five

The Honorable Felipe Fuentes
California State Capitol
P.O. Box 942849
Sacramento, CA 94249-0039

**Subject: AB 2231 (Fuentes): Sidewalks: repairs. Introduced on February 24, 2012
and Amended April 23, 2012 – OPPOSE**

Dear Assembly Member Fuentes:

The County of San Luis Obispo opposes AB 2231, which would amend long-standing statutes related to public sidewalk repair and would significantly reduce the ability for this County to fund road maintenance.

Current law provides that property owners are responsible for repairs on sidewalks adjoining their property. However, AB 2231 would effect a major change in California law by making the County responsible for the repair of sidewalks. Furthermore the bill also prohibits the County from assessing the adjoining property owner for the cost of these repairs. The County is opposed to this bill for the following reasons:

Under currently law, the County is able to either make the repair or require the property owner to make repair – whichever is more equitable. The proposed legislation would prohibit the County from making the right choice.

Secondly, the proposed legislation places the burden of the repair on to the sidewalk owner. In most cases the ownership of the sidewalk is not clear. Most sidewalks are constructed by a private developer through an encroachment permit. Also, while these sidewalks are within the public right-of-way the underlying property is privately owned by the fronting property owner. This bill would create confusion as to who is the owner: the private developer who received the permit, the underlying property owner, or the County who represents the public.

Attachment A

As written, this bill would mandate our County to make repair if the damage is caused by a tree. There is no distinction made as to whether the tree is also located in the right-of-way or if it is located on private property. In our County, the sidewalk is more likely to be uprooted by a tree on private property.

Finally, the bill does not identify a funding source. Mandating the County to incur the cost of sidewalk repair will result in the diversion of funds from road maintenance and from other projects that provides a greater benefit the entire traveling public. This bill also comes at a time when our Road Fund and our General Fund have been greatly reduced.

The County joins the California State Association of Counties (CSAC) and the League of California Cities (League) in urging you oppose AB 2231. Please do not hesitate to contact Frank Honeycutt at 805-781-5269.

Sincerely,

James Patterson, Chairperson
San Luis Obispo County Board of Supervisors

File: Roads - General

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The Honorable Katcho Achadjian
California State Capitol
State Capitol, Room 2016
Sacramento, CA 95814

FRANK R. MECHAM, Supervisor District One
BRUCE GIBSON, Supervisor District Two
ADAM HILL, Supervisor District Three
PAUL TEIXEIRA, Supervisor District Four
JAMES R. PATTERSON, Supervisor District Five

Subject: AB 2231 (Fuentes): Sidewalks: repairs. Introduced on February 24, 2012
and Amended April 23, 2012 – OPPOSE

Dear Assembly Member Achadjian:

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James Patterson, Chairperson
San Luis Obispo County Board of Supervisors

File: Roads - General

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The Honorable Sam Blakeslee
California State Capitol
State Capitol, Room 4070
Sacramento, CA 95814

Subject: AB 2231 (Fuentes): Sidewalks: repairs. Introduced on February 24, 2012
and Amended April 23, 2012 – OPPOSE

Dear Assembly Member Blakeslee:

The County of San Luis Obispo opposes AB 2231, which would amend long-standing statutes related to public sidewalk repair and would significantly reduce the ability for this County to fund road maintenance.

Current law provides that property owners are responsible for repairs on sidewalks adjoining their property. However, AB 2231 would effect a major change in California law by making the County responsible for the repair of sidewalks. Furthermore the bill also prohibits the County from assessing the adjoining property owner for the cost of these repairs. The County is opposed to this bill for the following reasons:

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San Luis Obispo County Board of Supervisors

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