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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2002**

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A N A C T

RELATING TO HIGHWAYS -- MAINTENANCE OF TOWN HIGHWAYS

Introduced By: Representatives Knickle, and Lewiss

Date Introduced: January 24, 2002

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 24-5-1 of the General Laws in Chapter 24-5 entitled "Maintenance  
2 of Town Highways" is hereby amended to read as follows:

3           **24-5-1. Duty of town to maintain highways.** -- (a) All highways, causeways, and  
4 bridges, except as provided by this chapter, lying and being within the bounds of any town, shall  
5 be kept in repair and amended, from time to time, so that the highways, causeways, and bridges  
6 may be safe and convenient for travelers with their teams, carts, and carriages at all seasons of the  
7 year, at the proper charge and expense of the town, under the care and direction of the town  
8 council of the town, provided that the state shall be responsible for the construction, maintenance  
9 and annual cleaning of all sidewalks on all state highways, causeways, and bridges.

10           A municipality may request in writing that the department of transportation repair a  
11 sidewalk on a state highway in need of construction, maintenance or cleaning. Should the  
12 department of transportation fail to comply with the municipality request within thirty (30) days,  
13 the municipality may perform the required construction, maintenance or cleaning and the state  
14 shall be responsible for the costs thereof.

15           (b) In addition, the surfaces of all highways and causeways shall be maintained in such a  
16 state of repair as to make them safe for bicycles.

17           SECTION 2. Chapter 24-7 of the General Laws entitled "Sidewalks" is hereby amended  
18 by adding thereto the following section:

19           **24-7-8.1. Liability of the state for injuries from defective sidewalks.** – The state of  
20 Rhode Island and not a city or town, shall be liable to all persons who may in any way suffer

1 injury to their persons or property by reason of any neglect or defect, to be recovered in a civil  
2 action, for damages incurred by reason of any sidewalks or curbing as may be made, laid or  
3 constructed upon state highways within a town, provided that any damages recovered therein  
4 shall not exceed the sum of one hundred thousand dollars (\$100,000).

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require the state to construct and maintain sidewalks on state highways,  
2 causeways, and bridges. It would also provide that municipalities may notify the state of a need  
3 for services and should the state not comply the municipality will make repairs and bill the state  
4 and would make the state liable for damages from injuries suffered due to neglect or defect by  
5 reason of any sidewalk or curbing within a town upon a state highway.

6           This act would take effect upon passage.

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