

2019 -- H 5392

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LC001461
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HIGHWAYS -- MAINTENANCE OF TOWN AND STATE HIGHWAYS

Introduced By: Representatives Fellela, Costantino, Ucci, Messier, and Ackerman

Date Introduced: February 14, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-5-1.1 of the General Laws in Chapter 24-5 entitled
2 "Maintenance of Town Highways" is hereby amended to read as follows:

3 **24-5-1.1. Alteration of roadways.**

4 (a) Any person, firm, or corporation including, without limitation, utilities and
5 contractors who ~~alter~~ alters a roadway that is subject to the provisions of this chapter shall restore
6 that portion of the roadway which was altered to the same or better condition than that which
7 existed prior to alteration.

8 (b) Restoration of any altered roadway shall commence immediately after the completion
9 of the alteration, and shall include, if necessary, temporary or intermediate restoration on an
10 ongoing basis to keep the roadway smooth and bump free until the permanent restoration can be
11 completed.

12 (c) Failure to comply with the provisions of this section shall result in a fine imposed by
13 the city or town in the amount of five hundred dollars (\$500) per day for each day that the person,
14 firm or corporation fails to comply.

15 SECTION 2. Section 24-8-43 of the General Laws in Chapter 24-8 entitled "Construction
16 and Maintenance of State Roads" is hereby amended to read as follows:

17 **24-8-43. Alteration of roadways.**

18 (a) Any person, firm or corporation including, without limitation, utilities and contractors
19 who ~~alter~~ alters a roadway that is subject to the provisions of this chapter shall restore that portion

1 of the roadway which was altered to the same or better condition than that which existed prior to
2 alteration.

3 (b) Restoration of any altered roadway shall commence immediately after the completion
4 of the alteration, and shall include, if necessary, temporary or intermediate restoration on an
5 ongoing basis to keep the roadway smooth and bump free until the permanent restoration can be
6 completed.

7 (c) Failure to comply with the provisions of this section shall result in a fine imposed by
8 the city or town in the amount of five hundred dollars (\$500) per day for each day that the person,
9 firm or corporation fails to comply.

10 ~~(d)~~ Any alteration of roadways which creates a public safety concern, as determined
11 by the public safety official of that ~~community~~ municipality, including the need to move utility
12 poles, shall be corrected, by the contractor and/or utility, within thirty (30) days of being notified
13 in writing of such public safety concern by the director of the department of transportation.

14 ~~(e)~~ Where the alteration involves the installation or upgrading of a traffic signal(s),
15 such signal(s) shall not be activated until the alteration has been substantially completed, as
16 determined by the director of the department of transportation.

17 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 that any altered roadway be restored to the same or better
2 condition than that which existed prior to the alteration, immediately after the completion of the
3 alteration, including interim measures as needed on an ongoing basis, and would provide a daily
4 penalty of five hundred dollars (\$500) for failure to comply.

5 This act would take effect upon passage.

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