

2020 -- H 7097

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LC003362
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO HIGHWAYS -- MAINTENANCE OF TOWN AND STATE HIGHWAYS

Introduced By: Representatives Fellela, Messier, Hull, and Serpa

Date Introduced: January 10, 2020

Referred To: House Corporations

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 or that alter a roadway that is subject to the provisions of this chapter shall
6 restore that portion of the roadway that was altered to the same or better condition than that which
7 existed prior to alteration or as required in accordance with the state or municipal permit
8 requirements. Repaving and repair of a roadway by a public utility or utility facility shall be in
9 accordance with and subject to the provisions of chapter 2.2 of title 39.

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

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

17 ~~(d)~~ (d) Municipalities shall adopt by ordinance standards for use of steel or other suitably
18 manufactured plates on municipal roadways that shall, at a minimum, require compliance with
19 the provisions specified in § 24-8-45.

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

3 **24-8-43. Alteration of roadways.**

4 (a) Any person, firm or corporation including, without limitation, utilities and contractors
5 who or that alter a roadway that is subject to the provisions of this chapter shall restore that
6 portion of the roadway that was altered to the same or better condition than that which existed
7 prior to alteration or as required in accordance with the state or municipal permit requirements.
8 Repaving and repair of a roadway by a public utility or utility facility shall be in accordance with
9 and subject to the provisions of chapter 2.2 of title 39.

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

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

17 ~~(b)~~(d) Any alteration of roadways that creates a public safety concern, as determined by
18 the public safety official of the municipality or the state, including the need to move utility poles,
19 shall be corrected by the contractor and/or utility within thirty (30) days of being notified in
20 writing of such public safety concern by the director of the department of transportation.

21 ~~(c) Restoration of any altered roadway shall commence immediately after the completion~~
22 ~~of the alteration and shall include, if necessary, temporary or intermediate restoration on an~~
23 ~~ongoing basis to keep the roadway smooth and bump free until the permanent restoration can be~~
24 ~~completed.~~

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

28 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 roadways 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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