

ASSEMBLY, No. 423

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen KELLY and DiGAETANO

1 AN ACT concerning sidewalks along state highways and
2 supplementing chapter 7 of Title 27 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Notwithstanding any law, rule or regulation to the contrary, the
8 Department of Transportation shall be responsible for repairing
9 damage to sidewalks along state highways, including sidewalks located
10 within rights-of-way, caused by root systems of trees located within
11 designated sidewalk areas or adjacent thereto.

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13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill would require the Department of Transportation (DOT) to
19 repair sidewalks along State highways damaged by the root systems of
20 trees located within or adjacent to designated sidewalk areas.
21 Currently, according to DOT regulations, sidewalk maintenance,
22 except in special circumstances, is the responsibility of the owner of
23 the abutting property.

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25 Since the DOT essentially does not finance the costs of sidewalk
26 maintenance along State highways, this bill would require the
27 department to incur new costs. To meet the intent of this bill, the
28 DOT estimates a need for about \$205,000 to cover the first full year
29 of salary and related costs of four maintenance technicians, one for
30 each of the four highway maintenance regions in the State. These
31 individuals would be responsible for investigating regional complaints
32 of broken sidewalks, determining the amount of damage, the need for
33 tree trimming/removal services, preparing work orders, and inspecting
34 the completed work. Actual maintenance repairs, however, would be
35 contracted. With the cost of such contract work estimated to be about
\$300 for a typical site of 15 linear feet of residential sidewalk, the

1 cost, for example, to repair 100 sites annually would be about \$30,000.

2 The Office of Legislative Services (OLS) would accept the typical
3 sidewalk repair costs but OLS is unsure whether each, or any, of the
4 four highway maintenance regions needs an individual solely assigned
5 to the sidewalk repair program. As the program develops and actual
6 repair requests can be quantified, financed and contracted, the need for
7 additional staff or an alternative method of program implementation
8 should become clearer.

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13 Requires DOT to repair damage caused by tree root systems in
14 sidewalks along state highways.