



Department of Transportation
Two Capitol Hill
Providence, RI 02903

Office 401-222-2450
Fax 401-222-3905
www.dot.ri.gov

March 03, 2026

The Honorable Evan P. Shanley
Chairman
House State Government and Elections Committee
State House
Providence, RI 02903

RE: 2026 H 7573 AN ACT RELATING TO HIGHWAYS—CONSTRUCTION AND MAINTENANCE OF STATE ROADS

Dear Chairman, Shanley:

Thank you for the opportunity to submit testimony regarding H7573, AN ACT RELATING TO HIGHWAYS – CONSTRUCTION AND MAINTENANCE OF STATE ROADS. The Rhode Island Department of Transportation (RIDOT) must respectfully oppose this legislation as drafted.

H7573 would authorize municipalities to enter into contracts with RIDOT to perform “minor and routine maintenance work” on the roadway and shoulders of state highways and would grant municipalities relief from tort liability once that work is completed in accordance with the contract. While we appreciate the intent to improve responsiveness to local needs, the bill raises several significant operational, safety, fiscal, and legal concerns.

First, the bill does not define “minor and routine maintenance work,” “project work,” or “standards of the contract.” Without clear statutory definitions or minimum standards, implementation will be inconsistent across municipalities. This creates a risk that basic safety-critical activities—such as pothole patching, drainage maintenance, vegetation management, and shoulder repair—will be performed to varying levels of quality, potentially compromising the safety and reliability of the state highway system.

Second, a patchwork of locally performed maintenance on state highways will complicate RIDOT’s statewide asset management and planning. RIDOT is required to manage pavement, bridges, drainage, and safety features as an integrated network. If portions of state highways are maintained by municipalities under separate agreements, RIDOT’s ability to plan and prioritize capital and maintenance investments based on uniform condition data and performance standards will be weakened. This could also affect our ability to meet federal performance measures and preserve eligibility for certain federal funds.

Third, the liability-shield provision in subsection (b) is concerning. As drafted, a municipality would be relieved from tort liability after completion of work if it “conforms to the standards of the contract,” but the bill is silent regarding how conformity will be documented, who makes that determination, and how disputes will be resolved. In practice, this may shift additional exposure to the State, create uncertainty for claimants, and generate litigation.

Fourth, subsection (c) creates an entitlement to “payment or reimbursement” but does not specify any funding source, prioritization criteria, or limits. RIDOT’s maintenance budget is already fully committed to existing statutory obligations, federal match requirements, and critical safety needs. Absent new appropriations, any reimbursement obligation to

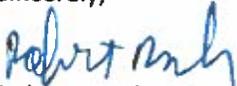
municipalities would necessarily divert scarce maintenance dollars from other state highway priorities. Over time, that could worsen overall network conditions and safety.

Fifth, the bill risks blurring existing lines of responsibility between RIDOT and municipalities. Municipalities currently have the statutory responsibility pursuant to §24-5-1 to maintain state roads within their bounds and at their own expense. While subsection (d) states that nothing in the section shall impair or affect the powers and duties of the department, the practical effect of authorizing overlapping maintenance responsibilities on state highways is to create confusion about who is ultimately accountable for safety, condition, and response when problems arise. This is especially problematic during emergencies, where clear chains of responsibility are essential.

Separately, we request clarification that this legislation does not alter §24-7-1. Even though sidewalks are not expressly mentioned in H7573, RIDOT's understanding is that the maintenance and care of sidewalks within municipal boundaries remains the responsibility of the municipality, consistent with current law.

Thank you for your consideration and for your diligence in reviewing this and other legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Rocchio".

Robert Rocchio, P.E.

Interim Director, Rhode Island Department of Transportation

cc: The Honorable Members of the House State Government & Elections Committee
The Honorable Joseph M. McNamara
Nicole McCarty Esq. Chief Legal Counsel