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March 12, 2026

The Honorable Jacob Bissaillon
Chair, Senate Committee on Housing and Municipal Government
Rhode Island State House
Providence, RI 02903

RE: 2026 - S 2471 - RELATING TO HIGHWAYS CONSTRUCTION AND MAINTENANCE OF STATE ROADS

Dear Chairman, Bissaillon:

Thank you for the opportunity to allow the Rhode Island Department of Transportation (RIDOT) to offer this letter of concern on S- 2471, AN ACT RELATING TO HIGHWAYS – CONSTRUCTION AND MAINTENANCE OF STATE ROADS. This bill “Permits municipalities to enter into contracts with the department of transportation for the municipality to perform minor and routine maintenance work on state highways, roadways, and shoulders located within the municipality.”

S2471 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.

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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 S 2471, 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,



Robert Rocchio, P.E.

Interim Director, Rhode Island Department of Transportation

cc: The Honorable members of the Senate Housing and Municipal Government Committee

The Honorable Mark P. McKenny

Kristen Silvia, Director of Legislation and Deputy Chief of Staff