

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice

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MEMORANDUM

TO: Senate Transportation Committee

RE: **SENATE, NO. 2450** (*O'Toole*)

DATE: February 7, 2011

The New Jersey Association of Counties (NJAC) respectfully requests the Senate Transportation Committee to consider our concerns with S-2450, which requires counties to fix curbs and surrounding areas when damaged during county road projects.

In summary, current law requires counties to maintain county roads inside the curb lines, and municipalities or private owners to maintain the curbs and surrounding areas. NJAC is primarily concerned with the fact that this legislation imposes a significant cost shifting financial burden on county governments by requiring counties to maintain curbs and surrounding areas instead. NJAC is also concerned with the fact that this legislation does not take into consideration the age, condition, or neglect in maintaining curbs or surrounding areas by municipalities or private owners.

With this in mind, NJAC submits the following proposed amendments for the Committee to review and consider.

R.S.27:16-8. The board of chosen freeholders shall maintain every road laid out, opened, taken over, or acquired by it, between the curb lines, and keep it in repair, safe and convenient for travel during all seasons of the year. The county, or the board of chosen freeholders, as applicable, shall also repair ¹[and maintain]¹ any curb and surrounding area damaged or destroyed during any county construction, reconstruction, repair, resurfacing, or rehabilitation of any road ²provided that the curb and surrounding area has been properly maintained.²

¹This proposed amendment addresses the fact that counties are responsible for maintaining county roads in between the curb lines,

and that municipalities or private owners are responsible for maintaining curbs and surrounding areas.

²This proposed amendment takes into consideration the fact that municipalities and private owners bear responsibility to properly maintain curbs and surrounding areas before imposing liability on counties to repair neglected, deteriorated, or otherwise damaged curbs or surrounding areas during the course of any county roadwork.

Please note that statewide county practice is to repair any curb or surrounding area damage caused directly by the county or its subcontractors during county road projects. Thank you for your time and consideration, and please do not hesitate to contact us with any questions or concerns.