



MEMORANDUM OF LEGISLATION

DATE: February 02, 2024

TITLE: Restoration of Street Surfaces After Excavation

SPONSOR: Minority Leader James Nolan, Majority Leader Tyrae Woodson-Samuels

PURPOSE OR GENERAL IDEA OF BILL: To require that within 60 days of completing work requiring the excavation of any county, road, sidewalk, or parkway that the same be fully restored from curb to curb.

INTENT: To ensure complete restoration after repairs and prevent patchwork repairs.

JUSTIFICATION: Westchester County does not currently have a law mandating that repairs must be made from curb to curb. The County Department of Public Works requires a permit for work on County roads, and the permittee must agree that "any present or future damage, injury to or disturbance of the highway, its pavements, slopes or gutters, caused by placing of any structures pursuant to the terms of the permit, shall be immediately repaired by the Permittee at his or its own expense and to the satisfaction of the Commissioner." The application specifies that replacement pavement "must be at least 10 feet long as measured parallel to the center line of the pavement."

Many municipalities in Westchester have passed legislation specifically requiring that restoration of pavement be made from curb to curb. For example, Bronxville Village Code Section 260- 26.1(A)(3) provides that "restoration of pavement shall be curb to curb ... Where no curb exists, the restoration shall extend to the existing pavement limits." Rye Brook Village Code Section 215-7 (C) states that for final restoration, "if the patch falls within 18 inches of the curb or pavement edge, the patch shall extend to the curb or pavement edge." Yonkers City Code Section 96-2(C) states that "If any excavation for which a permit has been issued hereunder exceeds 25 feet in length, the permittee shall be responsible for resurfacing the street from curb to curb over the entire area or as determined by the City Engineer. Where no curb exists, the resurfacing shall extend to the existing pavement limits or as determined by the City Engineer."

Requiring complete coverage rather than spot repaving is not just more aesthetically acceptable, but also more economical in the long run. It can prevent rutting and erosion from water seepage into surface cracks, which would then require further repairs. It will also set clear standards as to what is required for repairs.

PRESENT LAW: None.

FISCAL IMPACT: TBD

cc: Marcello Figueroa, Legislative Director
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