

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A Local Law amending Chapter 813 of the Laws of Westchester County relating to road construction.”

Your Committee is aware that Section 813.01 of the Laws of Westchester County (LWC) provide “for the protection, reconstruction, maintenance or restoration of any county road or portion thereon and for the protection of the traveling public.” In regards to road construction and maintenance, the Laws of Westchester County require that any “person, firm, corporation, improvement district or municipality” (or permittee) performing work on a County road or a portion thereof obtain a permit from the Commissioner of the Department of Public Works and Transportation. Generally, the permit requires that, when a contractor does excavation, the restoration or replacement of pavement must be slightly larger than the piece or section removed, but does not specifically require curb to curb replacement. Currently, Section 813.51(11) of the LWC provides that:

- The new replacement must be . . . at least two feet in all directions from the excavated area and must be at least ten feet long as measured along the longitudinal and transverse lines of the pavement;
- Where the replacement is less than ten feet from an expansion joint, the replacement shall be extended to the joint and/or construction joint;
- Where longitudinal trenches have been made in concrete pavements, the entire panel shall be replaced; and
- Thee permittee shall replace or restore satisfactorily to the Commissioner of Public Works and Transportation any pavement or other structure which may have been

damaged during the progress of the work for which the permit was issued, even though such pavement or structure was not proposed to be disturbed at the time of the granting of the permit.

Your Committee notes that the current law allows for spot repaving of small areas, by concrete slab or other type of pavement, but only requires curb-to-curb replacement when excavation covers a substantial part of the street and does not specify the time in which the restoration or replacement must occur. Several municipalities, however, have laws that require replacing pavement from curb to curb, when the excavation meets much smaller thresholds.

Your Committee is informed that the City of Yonkers requires the replacement of pavement from curb to curb if there are multiple patches and the area of disturbance or excavation exceeds 10 percent of the road. The Village of Bronxville requires the replacement of the entire street from curb to curb where there are multiple patches and the area of disturbance exceeds 20 percent of the street. Both the Village of Dobbs Ferry and the Village of Rye Brook require curb to curb replacement where a patch “is within 18 inches of the curb or pavement edge.” The Village of Croton on Hudson goes even further and requires full curb to curb replacement of any roadway that has been paved within the last three years.

Your Committee further notes that, similar to the aforementioned municipalities, the proposed amendments to Chapter 813 of the LWC would require curb to curb replacement of pavement depending on the size of the excavation. Expanding the circumstances under which curb to curb replacement of pavement is required would prevent spot repaving, which can be an eye sore to a neighborhood or area—especially on a street that has been recently repaved. Moreover, curb to curb replacement can prevent rutting and erosion from water seepage into surface cracks, is more aesthetically acceptable, and can be more cost effective over time. Additionally, incorporating a period

within which pavement restoration or replacement must occur, such as 60 days unless otherwise directed by the Commissioner, will ensure that the work is done in a timely manner.

Your Committee is further informed that the proposed amendments do not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.

Your Committee recommends adoption of this Local Law.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

COMMITTEE ON

jsw-9-17-24

**RESOLUTION NO. \_\_\_\_ - 2024**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2024, entitled, "A Local Law amending Chapter 813 of the Laws of Westchester County relating to road construction specifications." The public hearing will be held at \_\_\_\_m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.