



NEW YORK STATE SENATOR

Timothy M. Kennedy

## In Midst of Harshest Winter in Years, Senator Kennedy Pushes New Initiatives to Combat Western New York's Pothole Problems

TIMOTHY M. KENNEDY March 1, 2014

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*Kennedy Calls for Increased State Investment in Local Roads – Pushes New Legislation to Help Drivers Whose Cars are Damaged by Crumbling State Roads, Create New Online Portal to Report Potholes and Monitor Repairs.*

*Kennedy: In WNY, we're accustomed to the woes winter weather can bring, but 'Old Man Winter' has packed a particularly hard punch this year. New York State should step in and provide relief.*

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, today launched new initiatives to pursue solutions to the growing challenges facing drivers as a result of crumbling, pothole-riddled roads. Severe weather this winter has taken a toll on our highways and streets, prompting some experts to call this the worst pothole season in decades. Kennedy’s three-pronged approach will ensure communities have the resources they need to fix potholes and strengthen local roads, provide drivers with an avenue to seek compensation for car damage suffered on state highways and update the state’s 1-800-POTHOLE hotline with modern technology.

“As Western New Yorkers, we’re accustomed to the woes winter weather can bring, but ‘Old Man Winter’ has packed a particularly hard punch this year,” said Senator Kennedy. “Towns, cities and counties across New York State are struggling to keep up with repairs for aging roads and bridges, and this winter has made the situation worse. Massive potholes, the reminders of the severity of this winter, are scattered all across our roadways, waiting to wreak havoc on another vehicle. Repair bills have been piling up on local drivers, and the cost of fixing potholes and restoring roads is straining local municipalities. New York State needs to step in and provide relief.

“We’re calling for increased state investment in local roads and bridges to help towns and cities pay for road repairs and strengthen infrastructure, and we’re pushing for new legislation that will help protect drivers from the destruction potholes can cause,” Kennedy added. “Our proposals will help drivers avoid potholes, better prepare the state to respond quickly to troublesome road conditions and provide New York’s taxpayers with a path to pursue compensation from the state when car damages are caused by egregious road conditions on state highways.”

To stress the urgency of his proposals, Kennedy pointed to a report released this week by TRIP, a national transportation research group, which found that bad roads cost the average

Western New Yorker about \$1,500 each year in vehicle repairs, fuel costs and lost time caused by congestion-related delays. The same report said only 44 percent of Western New York's roads are considered to be in good condition, while the remaining 56 percent were ranked as fair, mediocre, or poor. Kennedy believes the initiatives he announced today will help alleviate many frustrations caused by potholes this year and in future years.

Kennedy called for an increase in state funding for local roads and bridges. The state's Consolidated Highway Improvement Program (CHIPS) provides communities with funds to preserve and rebuild local roads and bridges. Kennedy pushed for an increase in CHIPS funding during last year's budget, and with support from fellow legislators and the Governor, the program saw its first funding boost in five years. This year, Kennedy wants \$50 million added to the CHIPS program to ensure communities have sufficient resources to combat the effects of this devastating winter and enhance their road-improvement plans to reconstruct and strengthen local highways and bridges.

Senator Kennedy's office has fielded several calls from Western New Yorkers whose vehicles were damaged on state roads this winter. When Kennedy pressed the state Department of Transportation to do something to help the motorists, the DOT said that the current law governing the state's liability exempted them from covering repair costs for damages caused on state roads during winter months. State law currently says that any damage suffered by any vehicle between November 15 and April 30 will not be covered by the state – no matter how unreasonable or egregious the road conditions.

Senator Kennedy has proposed new legislation that would provide drivers with protections from massive potholes, dislodged concrete and other deplorable road conditions on state highways. Essentially, if a car is damaged by unreasonable road conditions any time throughout the year, the driver will now have the opportunity to have the repairs covered by the state, under Kennedy's legislation. This will mean basic fairness for local drivers on state

roads. The legislation will continue to protect the state from frivolous lawsuits, while ensuring New York State taxpayers do not have to pay out of pocket for damages caused by an affirmative act of negligence by the state or similarly unreasonable defect on a state highway.

Melissa Vaccaro, a Cheektowaga resident, was driving home from her office in Buffalo when she hit a large pothole on Route 33 east. The pothole took out both of her passenger-side tires and bent the rims. Repairs have cost her close to \$4,000, but DOT still told her they're exempt from liability in the winter. Kennedy's bill would change this, and give drivers – who suffer similar damage in the future – an opportunity to pursue damages from the state.

“After hitting a crater-sized pothole on a state road, it has cost me about \$4,000,” said Melissa Vaccaro. “When the DOT told me there was nothing they could do, I called Senator Kennedy’s office for help. I am so happy Senator Kennedy is taking action to try to help drivers from suffering a similar fate in the future. With his new legislation, drivers will have the chance to hold the DOT accountable for the deplorable conditions on some of their roads, instead of just being told, ‘There’s nothing we can do about it.’ This will make a big difference for drivers, especially if we have to endure another harsh winter like this.”

Senator Kennedy is also pushing for legislation to require New York State to take advantage of the latest technologies to complete their pothole repairs as efficiently and quickly as possible. NYSDOT has a pothole hotline at 1-800-POTHOLE, or 1-800-768-4653, where drivers can call with reports of potholes on state highways and the Thruway. Kennedy is working to advance legislation that will require the DOT to develop an online portal where drivers can report potholes they've encountered, monitor the status of their repairs and stay informed of the locations of significant potholes that should be avoided. With this new online tool, drivers will be empowered to help the DOT set their priorities for road repairs. For instance, it's expected massive potholes reported by multiple drivers will likely be given higher

priority. Kennedy also wants the online program to be built in a way to allow drivers to view accurate maps of where potholes have been reported and when they have been repaired.

“This legislation will bring the 1-800-POTHOLE hotline into the 21st century and keep the public engaged in the road repair process,” Kennedy said.

Senator Kennedy's call for action was supported at the press conference Saturday by Lackawanna leaders including, Mayor Geoffrey Szymanski and Council members Annette Iafallo and Abdulsalam Noman.

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*Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.*