



NEW YORK STATE SENATOR

David Carlucci

## Abinanti & Carlucci Highlight Problem Potholes in Greenburgh & Say State Should Pay For Damages Year Round

SENATOR DAVID CARLUCCI November 24, 2019

| ISSUE: **POTHoles & STATE ROADWAY REPAIRS**



(Ardsley, NY) – Assemblymember Tom Abinanti (D-Greenburgh/Mt. Pleasant) and Senator David Carlucci (D-Westchester/Rockland) stood along Route 9A in Ardsley with Greenburgh Town Supervisor Paul Feiner, the Sirens Women's Motorcycle Club of NYC, and the Westchester Cycle Club to highlight potentially costly and dangerous potholes.

Lawmakers and residents called on the Governor to sign a bill (A.1235/S.5422) into law sponsored by Abinanti and Carlucci, which would close the pothole loophole by requiring the State be held liable for pothole damages on State roads, year round, as opposed to just May 15th through November 15th. Lawmakers argue that drivers who suffer damages to their vehicles on local roads can pursue damage claims against the local government year round as long as the municipality has advance notice of the defect. Therefore, lawmakers say the State should follow the same logic.

“All New York municipalities and neighboring states are liable for damages from potholes year round,” **said Assemblymember Tom Abinanti**. “It’s unfair to New Yorkers that the State prohibits them from seeking reimbursement for damages caused by its negligence from November 16th to May 15th. Enacting this new law will show confidence that the State can keep New York roads safe for drivers year round.”

“Drivers across our State are sick and tired of ruining their cars driving over potholes,” **said Senator David Carlucci**. “It’s imperative we improve our roadways and ensure the State is on the hook if you get a flat. No one should be driven into debt from a pothole, and our motorcycle riders and cyclists deserve safe roadways, free of dangerous potholes.”

Town Supervisor Feiner said the New York State Department of Transportation promised to repave Saw Mill River Road in Ardsley and Hillside Ave in Greenburgh this year, but the work has been postponed till April of next year due to poor weather conditions. If Abinanti and Carlucci’s bill is not signed into law, then drivers who incur pothole damages on these roadways this winter will not be reimbursed by the State.

“I would like to thank Senator Carlucci and Assemblyman Abinanti for persuading their colleagues in the NYS Legislature to pass legislation that make the State responsible for pothole related damages to vehicles when the state had notice of potholes and did nothing,”

**said Greenburgh Town Supervisor Paul Feiner.** "NYS roads within the town of Greenburgh are in very bad shape. During winter months many of our State roads are full of potholes and craters. NYS has not allocated necessary funds to repave and maintain roads they own. Some of the State roads are in such bad shape that they require rebuilding, not repaving. One suggestion I have would be for the State to enter into agreements with local governments -- enabling local governments to repair potholes on State owned roads and to get reimbursed by the State. Local governments could act faster than the State, and we could help reduce the number of damaged vehicles and injuries caused by dangerous road conditions."

"I ride my motorcycle year round, and I did not know the State was not liable during the winter months. I have totaled my bike on a pothole and the whole back half of the bike collapsed," **said Cheryl Stewart, a founding member of Sirens Women's Motorcycle Club of NYC.**

"We are here because two of our members have totaled their bikes on State roads," **said Sandra Fleming with the Sirens Women's Motorcycle Club of NYC.**

"The Westchester Cycle Club is speaking out in strong support of this legislation, which is on the Governor's desk because we are the end users, we are literally on the front lines where the rubber meets the road with our bicycles," **said Andy Katell, a member of the Westchester Cycle Club.** "Potholes on our roadways are a public safety issue for bicyclists who use bikes to commute or for recreation. We are asking for the State to do its job, serve the people and maintain its roads."

According to the American Society of Civil Engineers (ASCE) Infrastructure Report Card for 2017, New York ranks 8th out of all 50 states and D.C. for public roads with excessive potholes or uneven pavement.

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RELATED LEGISLATION

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## 2019-S5422

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
- 

Relates to state liability for potholes on state highways

April 30, 2019

Vetoed

Sponsored by **Timothy M. Kennedy**

Do you support this bill?