



Department of Public Works | 860.584.6125

MEMORANDUM

DATE: February 8, 2023

TO: Mayor Jeffrey Caggiano
Board of Public Works

FROM: Raymond A. Rogozinski, P.E., Director of Public Works

RE: **DPW RETAINING WALL – ALONG CITY STREETS / REPAIR & MAINTENANCE**

There are currently a number of retaining walls located along City streets. The subject walls are located parallel to the roadway and the walls either support the roadway or private property. If the wall is constructed below the street the purpose of the wall is to support the roadway and the wall benefits of the City. If the wall is constructed above the street the purpose is to support private property (front yard) and in general benefits the property owner. With that said, there are time when the City has and will build retaining walls to support private properties in order to construct roadway/ sidewalk improvements. These walls have been installed on South Street, Stafford Ave, Brooks St and Maple Ave to name a few and have been located either within the City's street right of way, on private property or on private property within an easement in favor of the City.

The purpose of this DRAFT policy is to define the City's responsibility as it pertains to maintaining, repairing or replacing retaining walls located along roadways. The determination of City responsibility (if any) to maintain or replace retaining walls is a function of the walls purpose (does the wall support the roadway or private property), the location (is the wall located within the City right of way) and does the City have an easement over the wall. As summary of the various type of walls along with DPW recommended level of responsibility is provided below:

1. Retaining Wall/ Supporting Roadways: The City shall be responsible to maintain and/ or replace all walls that support City roadways. Said maintenance/ replacement is required to ensure the safety and structural integrity of the roadway. For walls located on private property every effort shall be made to obtain easements granting the City the perpetual right to entire property for the purpose of maintaining, repairing or replacing said wall. It should be noted that the condition of the wall and need for maintenance or replacement shall be determined by the DPW, not the private property owner.
2. Retaining Wall/ Supporting Private Properties located within Easements: All subject walls located within City easement provided for the purpose of constructing said walls shall be maintained or replacement by the DPW. As indicated, in the Retaining wall/ supporting roadway section above of this draft policy the condition of the wall and need for maintenance or replacement shall be determined by the DPW, not private property owner.

3. Retaining Wall/ Supporting Private Property located outside City street right of way:
Retaining walls located outside the City right of way on private property are the responsibility of the property owner. The City of Bristol shall not be responsible for retaining walls located on private property EXCEPT for wall constructed by the City as part of roadway reconstruction or sidewalk project. HOWEVER, said responsibility shall only extend to the original property owner (property owner at the time City construction occurred). Subsequent property owners shall be fully responsible for maintenance/ replacement of walls on private property.
4. Retaining Wall/ Supporting Private Property located within the Street right of way:
Retaining walls located within the street right of way constructed by the City shall be the responsibility of the City to maintain or replace. Private walls located within the street right of way constructed by property owners to support private property shall be the responsibility of the property owners to maintain. Property owners shall be required to obtain an excavation permits from DPW to authorize work within the right of way performed by the property (contractor).

This DRAFT policy has been submitted to the Board of Public Works for discussion purposes and if authorized the Department of Public Works will develop a formal policy on the Department's maintenance/ replacement requirements for retaining walls located along City streets.

Please feel free to contact me at 860-584-6113 regarding any questions or concerns.