

Tort Liability Is A Growing Concern Of Government Agencies -- Spots For A Potential Suit --

Although local tort problems differ, there are some basic precautions that can be used in any location

Low Shoulders - Low shoulders at isolated locations, such as the bottoms of steep grades or the insides of sharp curves, sometimes pose serious repetitive problems. A solution in such instances is to pave the

shoulder with an all-weather surface capable of withstanding occasional loads.

When a major shoulder drop-off exists and cannot be corrected within a reasonable period of time, install flashing barricades or low-shoulder warning signs.

Ice and Snow Removal - Identify the specific roadway sites that ice up frequently, the probable causes for the ice and the remedial action necessary. Corrections should occur prior to winter.

For those locations that ice up frequently and are caused by illegal driveways or run-off from adjacent parcels of land, write the property owners about the problem. If the property owners fail to correct the problem within a reasonable period of time, contact the agency's legal counsel to pursue appropriate legal action.

Signing and Lighting - Establish a process to routinely identify and correct sign deficiencies, not only those that are knocked down or missing, but those that are non-reflective and not in compliance with regulations.

Establish a process that will enable crews to identify signs which may be covered by foliage during spring and summer months, and take preventative action.

In recent years, city councils have begun to view

street lighting as a discretionary service which might be deleted, or at least controlled in attempts to balance the budget demands with available revenues. However, cutting back on street lighting could have adverse effects not only on traffic safety, but crime rates as well.

Potholes - In the spring, when most potholes appear, the major repair emphasis is usually on higher traffic arterials. However, the maintenance strategy for pothole repair should be sufficiently flexible to also repair potholes are potentially more hazardous.

Treat major potholes judged to have substantial accident potential as emergency conditions. Consider flashing barricades or repair during non-working hours as probable solutions.

Construction Zones - A contractor should not be permitted to modify a traffic control plan without the written approval of the agency.

Prior to using a given route(s) should be thoroughly inspected to ensure that all traffic control devices conform to established regulations and that other deficiencies, such as low shoulders and potentially

hazardous potholes, are corrected.

The construction contract should contain a legal clause that indemnifies the agency in the event of an accident.

Utility companies, municipalities and other public bodies that perform work with agency rights of way should agree by contract to indemnify the agency from any claims associated with the work performed.

Guardrail Repair - Establish a process to repair accident damaged guardrails within a reasonable period of time. Immediate repairs are advisable if there is substantial potential for a serious accident.

Replace existing, blunt-ended guardrails damaged by accidents with standard, buried end guardrails.

Excerpts from Alaskan Transportation Technology Transfer Program, Fall 1987; County Roads & City Streets, West Virginia University, Vol. 2, No. 3, 1986. ■



Do you have one of these signs in your town? They are common signs in New Hampshire and the lawyers love them. As in most cases, the reason this sign was erected was because there was a single tragic accident at this location. Do you think that a sign like this will protect you from a drunk teenager traveling 50 mph faster than the speed limit? The point is clear -- this is not a warning sign. It does not inform the driver of anything to watch out for. However, it does inform the lawyers that they could make some money at your expense!