

Liability Checklist

for Local Transportation and Public Work Agencies

If you can answer yes to the following questions, your agency is in a good position to defend itself against tort liability. If you have other concerns, add them to the list. Consider sharing this list with your council members and other elected officials.

Training

- Do all employees receive regular training for the work they perform and the materials and equipment they use?
- Do employees understand the importance of using reasonable care in performing their duties?
- Are employees instructed to report hazardous conditions and to solve them?

Signs and markings

- Do we have an up-to-date copy of the Manual on Uniform Traffic Control Devices (MUTCD) and other New Hampshire and federal governing documents? Are these available to all employees?
- Are employees familiar with the MUTCD and other governing documents?
- Are signs and markings adequate, properly installed, and well maintained?
- Do we have an up-to-date inventory of signs, signals, and markings and a plan for maintaining conformance with the MUTCD and other governing documents?
- Do we have and follow a plan for periodic day-and-night review of signs and markings?
- Are identified road hazards posted with appropriate warning signs based on the MUTCD and other governing documents?
- Are all bridges properly posted for weight restrictions and low clearance?
- Are all dead-end roadways and railroad crossings properly signed?
- Do we provide proper temporary traffic control in workzones?
- Are sight lines clear at intersections?

Roads, culverts, and bridges

- Do we have a current inventory of road, culvert, and bridge conditions and a plan for addressing deficiencies?
- Is the right-of-way for our roads properly established and recorded?
- Do we keep good records on agency activities including roadway conditions, crashes, and maintenance work?
- Do we use current versions of accepted guidelines in road design, construction, operations, and maintenance?

Administration

- Are all of our roadways inspected on a regular basis?
- Is our equipment in good repair and are employees instructed to report faulty equipment immediately?
- Do we follow objective procedures in setting priorities?
- Are our maintenance standards achievable with the resources available?
- Do we have an established procedure for receiving complaints, acting on them, and recording all actions?
- Do we meet periodically with our legal counsel to review the status of roadway-related claims filed against the agency?

Reference: This article has been adapted and reprinted from the NE LTAP Center with permission on June 29, 2009. The original article had input from Dr. Ron Eck, PE, FL LTAP Center instructor for Tort Liability and Risk Management, and from articles appearing in Lone Star Roads, Mar/Apr 2004, Nuggets & Nibbles, Fall 1996, and Technology News, Nov/Dec 2004.