

Tis the season

By Reed Hardesty

As winter follows fall, so do snow removal claims follow storm water claims.

The 2016-2017 winter brought more snow removal claims to the membership than years 2013 through 2015 combined. Central Washington received more frequent and longer lingering snows than usual which created more burdens on members' snow removal budgets. Of course, with more snow removal activities WCIA received more snow removal claims.

Ms. Williams made a claim for damage to her mailbox when the snow plow discharged snow onto her mailbox, breaking the post and bending the mailbox. The City verified the city snowplow was driven by a city employee operating on her street on the day she found her damage. The city employee was unaware of the damage until the claim was filed. The city driver did not witness the damage being done but also did not dispute Ms. Williams's allegation, especially with her convincing photo of the damage. This is a fairly typical fact pattern for your snow removal claims. We verified her estimates, she signed the release and the claim was paid.

We see similar damage to fences, parked car mirrors and business signs in the ROW. The fact of the matter is, it's hard to plow significant snow off streets without causing some small property damage. You need enough speed to discharge the snow from the road to the side of the road while not going too fast which throws the snow onto fences or pedestrians. On the East Coast, many states allow snowplow operations immunity based on state laws. Since Washington State has waived its sovereign immunity, we do not have a similar defense for our members.

We also see snow storage style claims.

Mr. Moe filed a claim alleging City snowplow operations caused snow to stay accumulated across his driveway and curb. And since his property was at a low point on the street when the snow melted, water traveled down his driveway, overwhelming his private drain and damaging the interior of his garage and cracking his driveway. After following up with the City, the adjuster successfully denied his liability claim. Adjacent property owners also have responsibilities to remove snow from public streets and sidewalks. Mr. Moe had opportunities to remove the accumulated snow from his driveway. We also suspect the cracks in his driveway could not be reliably related to the snow melt.

Mr. Thorn owns rental property in a popular winter tourist city. As the city frequently piled up snow it reached about six feet high on the sidewalk between Thorn's front gate and the street. He alleged the City snow plows made his rental property un-rentable for three months. He claimed when renters saw the house, they would not rent it. When his property manager finally complained to the City, the City crew removed the snow. The adjuster worked with Mr. Thorn.

As with Mr. Moe, we argued it was the property owner's responsibility to remove the discharged snow. Though the large pile of snow around his property was compelling to his argument we countered "maybe so", but his property manager could have removed the snow, like his neighbors were able to do. In the end, we compromised the Thorn claim and were able to pay a small amount to secure a release for the City.