

# Signage is essential

By Sierra Wright

Cities paint curbing to call attention to elevation changes for pedestrians and to prevent trip and falls from occurring. In a recent case, WCIA received an allegation that someone slipped and fell on wet curbing paint.

One early morning, City staff was out painting curbs adjacent to a City-owned parking lot on the approach to a commercial building. Staff painted the curbs, and relying on the "fast-drying" branding, cleaned up and left the area without posting any signage regarding the recent painting. Turns out the paint remained tacky for significantly longer than the advertised dry time.

One would think that this fast-drying paint would close the window of time it would take for an accident to occur, but that is not always the case. Hopefully, the example below can shed some light on why it is also essential to have signage or barricading identifying that paint is wet.

Shortly after staff left the area, the claimant was walking into the entrance of their work building. As the claimant stepped up onto the curb, hoping to proceed onto the access ramp to the front door, they slipped and fell hitting their head. After pulling themselves together, they then proceeded into the office where they were greeted with concern. A co-worker notices bright yellow paint on their pants and shoes, asks if they are okay, and takes them to the emergency room to be seen by a doctor. The claimant reported a scraped elbow and head pain. The claimant was excused from work for the day but expected to return the following day.

Twelve days after the incident, and after retaining an attorney, the claimant went back to the doctor and began to claim more symptoms. Imaging was taken and a concussion was diagnosed. The claimant began complaining of other cognitive symptoms like migraines, difficulty concentrating, noise, visual, and light sensitivity. The claimant also brought up new issues, complaining of back pain, neck pain, feeling off balanced, and a traumatic brain injury.

Based upon the injuries claimed along with the treatment, the claim for damages was for multiple millions of dollars. The lesson for the membership is to always double-check paint dryness. In this example, the advertised dry time for the paint was 30 to 90 seconds, but the paint may have still been tacky for much longer. When painting next to high pedestrian traffic zones, you should always have appropriate signage and area protection to protect those that do not know of the wet paint from slipping.