

Road design

By Tiffany Ambrose

The Seattle Times recently ran an article titled "WA road deaths jump 10%, reaching 33 year high. What are we doing wrong?" The author highlights that Washington just hit a 33 year high in deaths from motor vehicle crashes, going against the national trend of two years of decreases and making Washington one of the top states with the most dangerous roads. Within the article, a 2022 WSDOT (WA State Department of Transportation) report showed that 65% of serious or fatal crashes between drivers and pedestrians were on state highways within cities. WCIA is certainly seeing and feeling this trend.

[RCW 47.24](#) describes the responsibilities of members to maintain state highways that run through their city or town. There is also an agreement between AWC (Association of WA Cities) and WSDOT on interpreting this RCW. Generally, cities over 25,000 in population have greater responsibility to maintain and design the roadway than those under that population threshold.

Often times, the factors that exacerbate these claims for members and WCIA are instances where there is past accident history, a political response, or subsequent remedial measures that were rushed out following the accident. Washington's joint and several liability statutes add to the risk in these cases.

In a claim that recently resolved, a vehicle stopped in one of the two travel lanes to turn left. Another vehicle approached from behind and could not stop in time, so they veered into oncoming traffic and hit a vehicle head on that was approaching from the opposite direction. The accident resulted in two individuals being life flighted to Harborview Medical Center and two more individuals who passed away on scene.

The city was aware of two serious auto accidents prior to this loss, one of which involved visibility impairment alleged to have been caused by vegetation and another alleged to have been caused by an icy patch of roadway. The plaintiff attorney used this information to his advantage to argue the roadway was known to the city to be a high risk (failing to properly trim vegetation, failing to maintain adequate drainage, failure to maintain a safe roadway clear of known hazards). The plaintiff attorney argued the city had a responsibility to make changes to a known inherently dangerous condition and there was limited documentation about what had been done to find these hazards and correct them. Police and streets departments had been aware of these two prior wrecks, but there was not great coordination with engineering to study or follow up on the issue. After the accident, plastic delineators were added to prohibit left turns at this location going forward.

Communication amongst departments is key. Awareness of an issue to one department can be notice to the city. A crash study is one tool that can be used to identify locations with safety issues, or potential safety issues. A crash study may also discover counter measures to be used to improve safety such as delineators to direct vehicles, or even signage prohibiting left hand turns and warning drivers of known hazards. A crash study may identify vegetation issues or inadequate drainage as well. A crash study may also be used to identify no visibility issues and no drainage issues which can be used in defense to allegations of a "known dangerous condition."

With jury verdicts exploding, cities held jointly and severally liable for the acts of two vehicles getting into a wreck through "negligent road design," and the ever-increasing availability of data, WCIA encourages members to take steps to actively seek out hazards from vegetation, unprotected left turns, and pedestrian crossings and improve them.