

Bracing for a bumpy season: potholes and what information is needed

By Kayla Countryman

As the days begin to get shorter and the forecast calls for more rain, city roads will start to feel the effect and cities will be inundated with claims regarding potholes. With the combination of rain and dropping temperatures exacerbating minor cracks, large potholes can suddenly appear, bringing with them a surge of damage claims from affected motorists.

WCIA finds itself at the forefront of managing these claims during the challenging "pothole season," which often coincides with the busy holiday period. Claimants typically expect swift investigations and assume that payment is an inevitable outcome, putting additional pressure on WCIA to handle these claims both efficiently and sensitively.

Under Washington state law, cities bear the responsibility of maintaining roads in a condition that is reasonably safe for ordinary travel. However, this duty comes with a caveat: the city must be aware of the hazardous condition and have been given a reasonable timeframe to address it before any negligence can be established.

To effectively process these claims, WCIA requires specific information as follows:

1. Any prior notifications to the city about the pothole in question
2. Details of previous repairs, if any, including dates
3. Current status of the pothole - whether it has been filled or is scheduled for repair

This information is crucial in determining liability. If a city had prior notice of a pothole and failed to repair it within a reasonable timeframe before another incident occurred, it may be held responsible for resulting damage.

Knowing this season is upon us, members can help expedite WCIA's response to claimants by promptly requesting the above-listed information from the streets department after receiving a claim and by reminding streets crews of the legal burden so they can respond to pothole issues appropriately.

If you find that your entity has a problematic area that cannot be fixed immediately because of weather conditions, make sure to check the area daily, take photos, and consider posting signage to warn approaching motorists of the known issue. By proactively addressing problems and providing WCIA with information as quickly as possible, WCIA is able to handle these claims promptly saving claimants the added frustration of a slow response to their claim.