

# Early reporting = better outcomes: a hypothetical road design scenario

By Jessica Dedman

Imagine this: A fatal motor vehicle collision occurs at a rural intersection within a member city. The intersection, though not previously flagged as hazardous in a formal study, had been the subject of sporadic citizen complaints about visibility concerns and confusing signage. The member hears about the crash through local media coverage before any claim is filed and promptly notifies the risk pool.

Because of the early notice, the risk pool opens a claim file, assigns defense counsel, and retains a traffic engineer. A privileged investigation begins immediately to assess sightlines, lighting, signage, and compliance with current engineering standards.

Months later, the estate of the deceased files a wrongful death claim against the member and the driver of the other vehicle. The estate's attorney alleges the intersection was defectively designed and that the member failed to act on community concerns.

Washington case law holds that municipalities have a duty to maintain public roadways in a condition that is reasonably safe for ordinary travel (see *Wright v. State*, 135 Wn. App. 722, 146 P.3d 1235 (2006)). If a jury finds the member partially at fault, [RCW 4.22.070](#) could expose the member to joint and several liability, meaning the member could be on the hook for the full amount of damages even if other at-fault parties are judgment-proof or insolvent.

Thanks to the early investigation, the claims team and counsel are fully prepared when the claim arrives. Critical evidence is preserved, timelines are verified, and alternate contributing causes, such as driver impairment and speed, have already been documented. This groundwork allows the defense to engage quickly with the claimant's attorney, demonstrate the member's limited exposure, and propose a pre-litigation resolution that avoids extensive legal costs and unfavorable outcomes.

Key takeaway: If this had been reported only after the claim was received, much of the early opportunity to control the narrative, and the cost, would have been lost. Instead, this hypothetical showcases how early reporting helps risk managers mitigate liability, protect the public entity, and defend the integrity of the risk pool.