

Winter weather risks: navigating snow, ice, and municipality liability

By Sierra Wright

As winter approaches, Washington's cities face unique challenges in addressing their infrastructure. Snow, ice, and freezing rain can quickly create hazardous conditions for drivers, pedestrians, and homeowners, increasing the potential for liability claims to be filed against municipalities.

Understanding your responsibilities and maintaining thorough documentation can make all the difference when WCIA addresses your winter-related claims. A few of the most common losses we see are:

- **Slippery Surfaces and Falls**
Sidewalks, parking lots, and public walkways can become icy overnight, creating conditions ripe for slip-and-fall incidents. Even brief periods of freezing rain can make concrete and asphalt dangerously slick.
- **Potholes**
Potholes develop rapidly when groundwater or freezing temperatures beneath the road surface compromise its integrity.
- **Fallen Trees and Branches**
Heavy snow or ice accumulation can cause tree limbs to break within city-owned lots, sometimes damaging vehicles, structures, or obstructing roadways.

If handled appropriately, there is typically no liability for these weather-related claims. However, liability may exist if the infrastructure was defective and/or a known hazard to a municipality. The most often cited cases on these claims are:

- *Wright v. Kennewick* which states a city is liable for a dangerous condition (such as potholes) that it did not create only if it has (a) notice of the condition and (b) a reasonable opportunity to correct it.
- *Bird v. Walton* reinforces that cities are generally not liable for injuries caused by the natural accumulation of snow and ice if they have made a reasonable effort to correct the dangerous conditions.

When a winter-weather-related claim occurs, prompt and complete documentation enables WCIA to evaluate and defend the claim efficiently. Claims Department staff will request the following:

- Date, time, and location of the incident
- Description of the condition of the alleged hazard
- Maintenance and response logs
- Photographs or video evidence
- Staff incident reports
- Police reports

Having this documentation available or requested as quickly as possible allows WCIA to meet claimant response timeline expectations. Having detailed information limits the back and forth between the member and WCIA and allows WCIA to more promptly answer the claimant with a liability position.

Winter weather is unpredictable, but preparation, communication, and documentation remain the best defenses. A few practical steps for cities to think about as we enter the winter season are:

- Keep detailed logs of maintenance activities
- Prioritize high-use and common areas of concern
- Maintain an adequate stockpile of materials to address winter-related risks
- Provide notice to the public of hazardous conditions - cones, billboards, mailers, etc.
- Ensure timely response to complaints filed with the city, and document the condition upon arrival and action taken in city logs

For questions about winter-related claims, documentation practices, or preventive risk strategies, please contact your risk management representative. For questions on specific issues that have occurred please contact the Claims Department. WCIA is here to help members weather the season safely and effectively.