

A turkey fell into a pothole

By Rachel Roberts

The truth is the turkey did not fall in, but a compact vehicle did. While driving in and out of apartment complexes a vehicle impacted large potholes. There was extensive damage to the tires, wheels and undercarriage of the vehicle. The owner obtained many costly estimates for the damage and submitted a claim. The City reported and provided information needed to quickly respond and resolve the claim. With the claim for damages form we also received maps showing where the private property lines were to the apartments. Also included were comments to share that these potholes had not been reported prior to this claim. WCIA was able to deny the liability claim against the City and the claimant then presented a claim to the private parking lot owner. The City was efficient and had provided enough information for WCIA to resolve this quickly with the third party and avoided any further action being taken.

With potholes we have a defense known as “first notice”; this is due to case law *Wright v. Kennewick*, 62 Wn.2d (1963). The law grants municipalities the right to have notice of a hazard and a reasonable opportunity to correct it before a finding of negligence can be attached. This case law is the reason why for pothole claims, we ask for information about when the City was notified and when the repairs were completed, if any were needed. Potholes can occur overnight due to weather conditions during the winter. Rain water will go into the cracks in the road and will freeze causing deterioration to the road. This can cause more cracking or even large potholes. Large volumes of traffic will impact how quickly soft parts of the road can break into cracks and potholes. Over time, as the pavement erodes, there can be minor to extensive damage.

The damage can be as minor as a flat tire or as extensive as a bicyclist with a concussion and broken arm. We see many of these claims all year and we can handle these claims in a timely manner because of how attentive members are to responding to road complaints as well as maintaining routine inspections. With your efforts we can defend pothole claims and close the claim quickly.