

Protect Your Community From Tort-Liability Suits

The following are 16 practical tips for reducing tort liability:

1. Define the duties and authorities of others.

Clearly define the duties, responsibilities, and authority of your personnel.
Be sure they act within their authority.

2. Understand and perform your duties satisfactorily.

Clearly understand and perform duties well.

3. Follow appropriate State laws, regulations, and guidelines when performing your duties.

4. Use competent professionals for major decisions.

Use competent professionals to help make decisions about plans or programs and base your decisions on their advice.

5. Maintain adequate accident records and facilities inventories.

Establish adequate record systems to provide facts about existing conditions.
These systems should include:

- a) traffic crash records and procedures for identifying high-crash locations; and
- b) inventories of current information about the physical features and conditions of existing transportation facilities and traffic control devices.

6. Provide an inspection system.

Establish and maintain on a continuing basis a system of regular inspection. These inspections should cover the physical conditions of facilities and traffic control devices. Such inspections could include checking traffic signs and signals at least twice a year under both day and night conditions; checking temporary traffic control devices on a daily basis; and establishing a chain of command for inspections so that defects can be reported and promptly corrected.

7. Establish a complaint response system.

Develop and maintain a procedure for handling complaints and reports, designating one person to receive all such reports and to coordinate appropriate action. The person may be yourself or a senior employee. Effective handling of complaints has legal as well as public relations benefits.

8. Keep good pavement maintenance records.

Complete and current pavement maintenance records can provide information about the character of a repair including what the trouble was, repairs made, and materials used.

9. Use current design criteria.

Make sure the designs of facilities or traffic control devices are consistent with currently adopted policies, guidelines, standards, and manual specifications. Be sure to have copies of the current manuals and standards readily at hand in the office.

10. Develop standards of performance.

Adopt standards of performance in the areas of design, construction, operations, and maintenance. Meet regularly with your employees to review the standards.

11. Follow rational procedures for priority setting.

Establish good procedures for deciding what improvements should be made. This would include considering the cost effectiveness of alternatives. Keep records noting the data that was considered and the decisions that were made.

12. Conduct design and operational reviews.

Review the design and operations of new facilities or traffic control changes. Inspect both active and completed projects.

13. Inform employees of “reasonable care.”

Impress all employees with the importance of exercising reasonable care in doing their jobs.

14. Avoid false economics.

Beware of false economy. Foolishly cutting necessary expenditures in order to appear fiscally responsible to the taxpayer inevitably leads to careless and negligent work.

15. Protect yourself, your employees, and your municipality.

Contact a consultant who specializes in municipal insurance for information about liability insurance.

16. Get good service.

Consult your local attorney about the increasing threats of tort liability. Seek his advice on ways to minimize the liability. Become claims conscious.

Source: Vermont Local Roads Program, St. Michael's College, Winooski, Vermont.