



# TRIDENT

PUBLIC RISK SOLUTIONS  
MEMBER OF PARAGON INSURANCE HOLDINGS, LLC

## RISK CONTROL BEST PRACTICES: Road Defects

Road defect claims are among the most common loss drivers under general liability policies in the public sector. This guide provides risk control best practices for public entities to manage risk exposures related to road defects.

### Track And Document All Road Defect Reports And Repairs

**Track preventive maintenance (PM) and customer concerns.**

- Implement a procedure and work order system for tracking road defect complaints.
- The tracking system should include the date, time, address and name of the person reporting the issue and the date, time and type of repair made. Use a consistent procedure across all reporting methods (mobile app, email or phone call).
- Consider performing periodic quality control checks to ensure your documentation procedures are being followed consistently.

### Implement A Pavement Management Program (PMP)

**The PMP should include a baseline grading of each road in the jurisdiction.**

- Road defects with higher exposure and traffic should be given priority in the event of budget restrictions.
- A good PMP will include an inspection and maintenance plan based on the road grade, with lower grades being higher priority.
- The plan should also identify the useful life of the road before it needs to be replaced. Infrared technology can be used to grade roads and can identify issues with the road subsurface that may be contributing to road defects.

### Create Formal Shared Maintenance Agreements

**Begin by identifying roadways in your jurisdiction with informal shared maintenance agreements.**

- Work with legal counsel to draft an agreement that specifically states which party is responsible for maintenance such as pothole repairs, snow removal, road applications, etc.
- The agreement should also specify who is responsible for inspections, replacement of roads when necessary, liability insurance (with proper indemnification language should a liability claim arise) and funding.
- Counsel should work with all parties involved to ensure that the agreement is signed by the appropriate authority and that everyone is on the same page.
- The agreement should be reviewed at least annually to ensure that it is current and that it is being followed.





# TRIDENT

PUBLIC RISK SOLUTIONS  
MEMBER OF PARAGON INSURANCE HOLDINGS, LLC

## Remedy Design Flaws

**Narrow shoulders, blind curves and poorly banked roads are examples of design flaws that should be addressed in a timely manner once they have been identified.**

- Investigate all reports of poor road design and document your findings.
- Include police, fire and engineering staff when reviewing a design flaw or compromised road.
- Hire outside experts to assist with your review if you lack in-house expertise.
- Document your review and all actions planned to address the issue.
- Actions can include temporary solutions such as closing roads or restricting access to them, adjusting speed limits and installing warning signage, but long-term solutions should be implemented when possible.

## Implement A Formal Road Inspection Program

**Inspect all roads at least once per month.**

- Evaluate all road markers and the reflectivity, condition and visibility of all signage.
- Check roadsides for vegetation and fallen or compromised trees and/or limbs.
- Check visibility at intersections, particularly in school zones.
- Inspect road shoulder and culvert conditions.
- Document inspections and take corrective actions in a timely manner.

## Proactively Ensure Proper Procedures For Work Zones

**Communicate safety expectations regarding work zones with roadwork contractors.**

- Review contracts to ensure all contractors performing work on your roadways follow proper work zone procedures and have been instructed on night and weekend work zone safety measures.
- Involve public works or police staff to inspect roads to make sure they are safe.
- Specify when road plates or cold patch is needed or when a road should be closed.

## Outline A Communication Plan

**Make it easy for the public to communicate road defects to you via email, mobile app or website.**

- Communicate with the public about projects related to road construction via social media, mobile electronic message boards and auto-dial phone notification systems. Give the public enough notice so they can adjust their commutes.
- Provide a means for the public to communicate road defect concerns.
- Track all reported concerns and document all actions taken.



## About Trident

For more information on Trident Public Risk Solutions, visit [paragoninsgroup.com/trident-public-risk](http://paragoninsgroup.com/trident-public-risk)

Disclaimer: The insurance policies, not this guide, form the contract between the insured and the insurance company. The policies contain limits, exclusions and conditions that are not listed here. All coverages are subject to individual underwriting judgments and to state legal and regulatory requirements. By providing its clients with risk-control information, Trident Public Risk Solutions does not warrant that a client will necessarily experience a reduction of its insurance risks, exposures and/or losses. This checklist is provided for informational purposes only and does not constitute legal advice. Policies for this program are issued by one or more insurance companies of Argo Group International Holdings, Ltd. Trident is a registered name of Paragon Insurance Holdings, LLC.



