



## Risk Management and Effective Roadway Management *Go Hand in Hand*

*There is an element of risk in most of the actions undertaken by public officials to provide and maintain roadways. Road departments can minimize their risk exposure by identifying, monitoring, and improving hazardous conditions on their roadway system.*



A car traveling 55 mph crashes into a tree. The driver dies. The tree is in a town's right-of-way. Who is at fault? The driver, the municipality or both?

If negligence or the failure to act in a reasonable manner is proven in court, the municipality may be liable. Municipalities are often among the parties that have the "greatest ability to pay" or the "deepest pockets." Ultimately, the municipality might have to pay the entire judgment.

**Reducing liability:** The following are some ways to reduce your exposure to liability.

### **Traffic Control Devices**

- Replace missing or damaged signs; give STOP signs priority.
- Remove brush, tree limbs or other vegetation blocking visibility of signs.
- Inspect placement of signs and be sure they comply with the *Manual of Uniform Traffic Control Devices*, (MUTCD).
- Inspect signs at night for reflectivity.
- Place STOP AHEAD signs where necessary, properly warn of railroad crossings, T-intersections and narrow or load-limited bridges.
- Establish and post speed limits according to municipal requirements and state regulations.

### **Design**

- Develop or seek professional advice on reasonable standards for road and bridge design.
- Consider adopting AASHTO's latest guidelines for low-volume roads.
- Be sure all designs for roadway projects meet the approval of professional engineers qualified in traffic safety and operations.
- Review the design and operation of new facilities and altered traffic control situations to be sure they are functioning as planned.
- Inspect completed projects for effective traffic operation as well as for integrity of construction.

### **Construction**

- Require contractors to submit and obtain approval of their traffic control plans (TCPs) before work

begins; be sure established practices routinely require approval of changes in TCPs by qualified traffic personnel through-out construction.

- Obtain proof of contractor's insurance.
- Know and comply with the traffic control procedures for construction operations in the MUTCD.
- Provide properly functioning traffic control devices at work sites; inspect work zones day and night for placement and visibility of warning devices.
- Document the traffic control procedures and devices being used at work zones during construction.

### **Maintenance**

- Train employees in the safe and efficient operation of equipment.
- Regularly conduct on-site inspections of road conditions, signs, bridges and drainage facilities; implement maintenance procedures.
- Conduct special inspections when emergency maintenance may be required due to high winds, heavy rain, snow or ice.
- Promptly repair potholes.
- Establish a policy for replacing or updating safety devices such as guide-rails.
- Develop a policy to keep the public right-of-way clear.
- Avoid driver exposure to uneven lanes, milled edges and pavement or shoulder drop-offs. Use engineering judgment in selecting the type of treatment (warning device or protective barrier or both) for pavement edge drop-offs. Sight distance considerations should be thoroughly scrutinized at the planning, design, and construction phases of driveway permitting for all commercial land development and for residential access points to roads or streets with existing or anticipated operating speeds exceeding 30 miles per hour.
- Require employees to wear approved safety clothing and use safety equipment properly. Train them to do so.
- Keep good records, document all complaints and record solutions.
- Inspect all equipment and keep it in good repair.
- Remove debris and loose gravel from roadways and from shoulder areas near travel ways.
- Be sure all employees know that they should promptly report any road hazards caused by residents. For example, prompt and definitive actions should be taken to be sure that signs, fences, trash receptacles, trees and greenery, and similar obstructions are not allowed to restrict the sight distances most drivers would need to safely enter intersecting roadways. These considerations should be thoroughly scrutinized at the planning, design, and construction phases of driveway permitting for all commercial land development and for residential access points to roads or streets with existing or anticipated operating speeds exceeding 30 miles per hour.
- An agency's snow and ice removal policy should be part of the risk management plan. Procedures should be documented and any changes in the policy should be recorded. Guidelines about bridge treatment practices and about who should be notified of problems or unusual circumstances should be clearly stated.