

Claims Bulletin



Special Bulletin

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SNOW REMOVAL CLAIMS GUIDELINES

Ready, set plow! It is December and central Maryland has just received its first snowfall. Of course, our members in the western part of the state have already had plows on the road. No matter how careful our drivers are, some property damage during snow removal is unavoidable. Local governments have a common law duty to maintain streets in a reasonably safe condition; however, our members are not always legally liable for damage caused by a snow removal.

The Trust Claims Staff attempts to follow the following sound and consistent guidelines for determining the legal responsibility to pay snow removal claims for our members. Be assured, that each claim is evaluated according to the facts of the incident and our policy may be adjusted according to the needs of our members.

Snow Removal Claims Guidelines

Property located within the road right of way

Mailboxes

Standard mailboxes are allowed within county and municipal right of ways.

- LGIT will reimburse a citizen for the cost of replacing a standard or like kind mailbox, if the mailbox, legally placed within the road right of way, is damaged by physical contact of a snowplow or other piece of snow removal equipment.
- LGIT will not replace a mailbox damaged as a result of the weight or impact of snow and ice being moved by a snowplow, if there has been no physical contact with the mailbox by a piece of equipment.

Other Structures

- Occasionally, structures may be placed within the road right of way by permit obtained in conformity with the county or city code.
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- Claims for damage to structures that are permitted to be located in the right of way and that are built in conformity with the permit will be handled in the same way as claims for damage to mailboxes:
 1. LGIT will pay the cost of repair or replacement if there has been physical contact with the structure
 2. LGIT will not pay for damage caused by the movement of snow or ice.
- LGIT will not assume responsibility for damage caused to un-permitted structures located within the road right of way.

Landscaping

Property owners often plant and seed within the right of way abutting their property. During the ordinary course of removing snow, damage to this kind of landscaping will occur; from movement of snow and ice, contact with the equipment, and from salting.

- LGIT will not reimburse a citizen for damage to landscaping and plants that have been placed within the road right of way.
- If the local government maintains the right of way, the area may be repaired and re-seeded by the local government in accordance with policy. LGIT will not reimburse an abutting property owner for any repair or replacement work done by the property owner.

Street Parking

Citizens should be requested to park vehicles in their driveways or designated off-street parking lots. If off-street parking is not available, parking on one side of the road is recommended. If plow drivers cannot safely access the road, services should be delayed until adequate access is available or until small equipment becomes available.

Private Property

Snow removal activities do not usually cause damage to private property located outside the right of way of the roads maintained by our members. Any claim that private property was damaged as a result of the local government's snow removal operations will be investigated, and liability will be determined on a case-by-case basis.

In order to assist with claims investigations, LGIT's Claims Services Department recommends that you maintain a Snow Plow Log to document the following:

- Dates of snow removal
- Identity of drivers assigned to each plow unit
- Unit start and completion time
- Unit plow route

You may wish to consider the use of GPS systems in plow trucks so that you can track the plow activity. This assists in verifying whether a plow was located at a location when a claimant alleges damages. If you are supplementing snow removal with contractors, you should record the routes that have been assigned to contractors so that claims may be redirected to the contractor that may be responsible for plowing damages.

Claims are reduced when the public is made aware of a fair and equitable claims policy. LGIT recommends that you make the public aware of your policy regarding snow removal claims. Remind the public of the emergency nature of snow removal and the extreme conditions under which it is performed. Communicate your policy on your governmental website and other media. When you citizens know and understand your policy, they will be less likely to become upset about decisions which are made regarding their claim.

This bulletin is intended to be merely informational and is not intended to be used as the basis for any compliance with federal, state or local laws, regulations or rules, nor is it intended to substitute for the advice of legal counsel.



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