

LESSONS LEARNED FROM LOSSES

MONTHLY NEWSLETTER – APRIL, 2019

THE IMPORTANCE OF INSPECTIONS



PLEASE SEE: NJMEL.ORG > MEL SAFETY INSTITUTE > SAFETY BRIEFINGS > GENERAL > ROAD/SIGN/WALKWAY PROGRAM

In order to ensure that observations are reported, corrected and documented, please consider the following suggestions:

- A system of regular inspections and observations
- Training for employees to identify potential hazards
- Procedures for employees and citizens to report potential hazards
- Procedures to log all reports and record corrective actions
- Procedures to notify other entities/authorities of conditions and/or incidents that require attention\
- Procedures to investigate incidents and accidents

Example: Claimant leaving a friend's house tripped and fell in the street in a "rutted, cracked and depressed" condition of the roadway. The claimant sustained a fractured humerus which required surgical repair. The demand was \$250,000 and in arbitration the insured was found to be 100% liable and the claimant was awarded \$196,000. A Motion for Summary Judgment was filed, Oral Arguments followed and the presiding Judge found no actual or constructive notice of a dangerous condition existing. Also, the action or inaction of the Township could not reasonably be found to be "palpably unreasonable". These findings were largely due to the Township's actions relative to road review and pothole maintenance. It was well documented that this Township does an excellent job of reviewing their roads, including an annual evaluation that involves their DPW and an engineer. They complete regular rounds of pothole maintenance and document the process.