

**DEPARTMENT OF FINANCE
POLICIES AND PROCEDURES
CHAPTER 4
UNIT/DIVISION/FUNCTION**

SUBJECT	RISK MANAGEMENT	POLICY No 4 -12.
POLICY SUBJECT	POTHOLES	CHAPTER 4 – SECTION 12

REVISED: MONTH, DAY, YEAR	EFFECTIVE: JULY 1, 2017
REVISION NO. #	

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I. PURPOSE

The purpose of this policy is to address Richmond (City) responsibility to citizens' damages arising from potholes and road defects within the roads/alleys maintained by the City.

II. SCOPE

The Risk Management Office through the Third Party Administrator (TPA) shall pay or deny claims in accordance with this policy for documented damages caused by potholes and road defects in City maintained roads and alleys.

III. STATUTORY REFERENCES

Code of Virginia 15.2.209 Filing a claim against a municipality

IV. EXHIBITS

V. DEFINITIONS

Claim- Demand for financial recovery by a party who alleges the city is responsible for bodily injuries or property damage.

Claimant- Party making a claim against the City for bodily injury or property damage.

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Pothole- defect in road that may cause damage to vehicles. Many times the holes occur suddenly and without notice, thereby creating a situation for which the city has no notice and is not liable for the resulting damages.

Risk Management- City department having responsibility for oversight of the TPA and claims administration on the part of the City.

Third Party Administrator - Organization contracted to handle claims made against the City of Richmond.

VI. POLICY STATEMENT

The City shall pay for claims arising from road defects that have been reported more than 14 days prior to the date of the reported claim. Accordingly those claims will be denied if the road defect had not been reported to the City in writing to the Director of Public Works, or through other means made available by the City of Richmond to report an incident (e.g.MPACT or SeeClick Fix) or reported less than 14 days prior to the incident giving rise to the claim. Additionally the 14 day period may be extended during winter months to 21 business days if the volume of potholes or road defects is significant and caused by circumstances outside the control of the City such as weather related delays.

VII. PROCEDURE

- A. Claims may be reported to the City Attorney as described in the Code of Virginia 15.2-209. Claims must include a precise description of the location.
- B. Claims will be forwarded by the City Attorney staff to the TPA
- C. The TPA will request a report from DPW to determine if the pothole had been reported to the City and if yes, the date and time it was reported.
- D. If the Pothole had not been reported prior to the date of claim or within 14 business days prior to the date of claim under review, it shall be denied.
- E. If the claim was reported more than 14 business days prior to the date of claim under review, the claim shall be accepted and reasonable costs associated with the claim shall be reimbursed to the claimant.
- F. Department of Public Works will repair potholes based on age, proximity, severity and location. The goal is to make repairs within 14 days when possible.
- G. Monthly claim reports will be provided to the Director of the Department of Public Works.

Revisions

The city Chief Administrative Officer, or designee, may revise or rescind this policy, or any portion thereof, at any time.

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VIII. CONTACT POSITION FOR INTERPRETATION

The Chief of Risk Management shall be the contact person for interpretation of this policy.

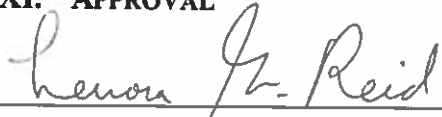
IX. POLICIES SUPERSEDED

N/A

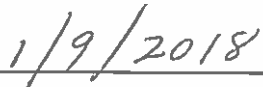
X. EFFECTIVE DATE

7/1/17


XI. APPROVAL



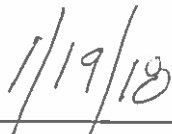
Deputy Chief Administrative Officer, Finance &
Administration



Date



Chief Administrative Officer



Date