



## Risk Alert: Sidewalks and Walkway Liability Issues

Risk Alert  
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[www.usipwa.us](http://www.usipwa.us)

### Questions?

If you have any questions regarding this risk alert, please contact your local broker, or your Clear Risk Solutions Risk Manager directly at 800.407.2027.

The average cost of a slip, trip, or fall claim is approximately \$5,300, however, damages in excess of \$300,000 are not uncommon for this type of claim. As little as ¼ to ½ inch of deviation in the height of a sidewalk often is enough to create a hazard. Courts look at liability from a four point test:

1. **Duty of Ordinary Care** – has the responsible party provided safe passage on their grounds for all users
2. **Breach of that Duty** – have you done something you should not have, or not done something you should have done
3. **Damages or Injuries Occur** – either to the individual or to someone else's property
4. **Proximate Cause** – the injury or damage occurred without anything outside of the chain of events impacting the cause and effect

To reduce risk, each organization needs to keep their sidewalks, hallways, pathways, parking lots, and facilities in good repair and free of defects.

#### Reduce your risk:

1. Check your local ordinances and laws as they pertain to the responsibility of maintenance and repair of sidewalks and pathways within your control. Determine what areas you are responsible for.
2. Ensure due diligence in inspecting, maintaining, and repairing sidewalks, parking lots, and pathways to reduce the opportunity for claims and litigation.
3. If a defect or hazardous condition is found, use temporary notification such as highly visible paint, cones or barricades, and warning tape to alert users of hazards and make repairs as soon as possible. We recommend a 30 to 60 day time frame for repairs to be completed.
4. If the property is the responsibility of your local municipality due to local ordinances, contact them to report the unsafe area.

For more information on this topic please select this link to an article entitled "Nuts and Bolts of Sidewalk Liability" written and presented by Rocco N. Teppiedi and Alan Taylor in October 2009. <http://www.wsama.org/wsamaproc/2009f/534-6.pdf>

Clear Risk Solutions risk managers are available to assist in reviewing your policies and procedures or facilities to identify potential hazards and make recommendations on how to repair or mitigate damages.

Administered by:

