



Mississippi Municipal  
Service Company

# BULLETIN

## POTHOLES



*In Mississippi, pothole claims by the public are one of the most frequently submitted liability claims for cities.*

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During the spring rainy season, potholes can develop within hours. When the top layer (asphalt pavement) of the roadway is worn away, potholes occur. Water on the surface seeps into cracks and then into the gravel roadbed and soil. The pumping movement of vehicle tires removes soil and forms cavities. The pavement collapses into the cavity causing a

pothole.

Driving over potholes may result in property damage to vehicles or bodily injury to the public. The most extensive types of damage to automobiles are alignment problems, damage to undercarriage, mufflers, shocks, axles, tires, and rims. Some motorist may react to potholes by swerving and causing a motor vehicle



The information and services furnished by Mississippi Municipal Service Company are advisory only and are designed solely to assist our members in maintaining its own loss prevention activities, and are not intended to replace the member's own efforts in providing safety for employees, public, and/or property from its premises, operations, or products. Mississippi Municipal Service Company assumes no liability whatsoever for any loss, injury, death, damage, or expense arising out of its services. The suggestions contained in this handout are advisory only and do not attempt to list or address all of the potential hazards or identify all possible corrective measures.

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Please remember, in most cases, the City may NOT BE LIABLE if prior notification or detection of the pothole is not received.



accident. Deep potholes can even trigger airbags and cause deployment, which could injure the face, chest, hands, and arms of drivers and passengers. Many minor potholes incidents are never reported to city governments.

The fact that a pothole develops does not mean that your City

has been negligent or has failed in its responsibilities. In most cases, the City is NOT LIABLE for any damage where the City has not received actual or constructive notice of the problem and the City has not had the opportunity to repair the hole or warn of the danger. Liability may occur when the City fails to take sufficient corrective action within a reasonable time.

The following information should be gathered to help in the liability investigation:

- Exact Location?
- Dimensions? (Length, Width, and Depth)
- What Claimant Reported?
- When Reported?
- Witnesses? Provide Statements.
- Photos?
- Prior Notification?