

Traffic-related liability suits rise about 5,000 nationally

By Harold White

Traffic accident-related liability lawsuits against city, county and state governments have reached epidemic proportions in some parts of the nation.

The number of traffic-related liability suits nationwide rose from about 2,500 in 1972 to nearly 7,500 in 1978. By 1980, the number of suits in California had reached almost 2,100, and Louisiana had well over 500.

To counter these lawsuits, government entities are beginning to involve themselves in risk management programs.

"A lot of states are just getting in risk management. Unfortunately, Wyoming hasn't developed a formal system yet," Garry Steen, Wyoming Highway Department safety engineering supervisor, said.

Risk management is a priority technique used systematically to eliminate trouble spots while maximizing available funding.

The two basic types of risk management techniques are risk control by minimizing exposure and risk finance by purchasing insurance.

The objective of the risk management—risk control technique is to reduce traffic accidents, improve traffic safety and place the governmental body in a defensible position during a liability lawsuit.

Daniel Turner and Rich Kramer, authors of several papers on risk management, said in a recent report, "Local governments need to take positive actions to promote safety and minimize risk."

There are few obstacles preventing governments from developing risk management policies.

Steen said: "The problem needs to be recognized by top administrators. It needs their support."

Steen, who is also on the National Safety Council executive board, added, "The foundation for a risk management program is a comprehensive traffic records system."

However, if a comprehensive records system is the foundation of an effective risk management program, then communications is the key to success.

Steen said, "Communications between law enforcement agencies, traffic engineers and risk managers is very important to a successful system."

No one has been sued in Wyoming for a traffic accident-related liability,

but the potential for a major lawsuit is increasing.

Steen said, "It is obvious by the rising number of lawsuits that the need is there."

Cheyenne currently has a city risk manager but no citywide policy for traffic liability.

"In the past, city risk managers have dealt with on-the-job accident prevention," Steen said.