

## **REPORTING ROAD DEFECTS**

To report the location of a pothole or road defect, please call the Highway Surveyor at (508) 883-0977. Please provide the approximate street address and nearest cross-street to the pothole.

Potholes, or more generally "road defects," are abrupt depressions, holes or other defects in roadway pavement that can cause difficulties for drivers and vehicles. Road defects usually occur when the base material under the pavement is washed out. Weather is the most significant contributor to the severity of a pothole problem. Excess water beneath the pavement weakens the soil tremendously, particularly when frozen, saturated ground starts to thaw in the spring. A sudden thaw, especially when accompanied by heavy rain, can very quickly wash out roadway base material and create numerous potholes in multiple locations. Other events, such as a water leak, may also wash away base material, creating a street defect.

Most pothole repairs are made by the Highway Department. The Highway Surveyor coordinates the repair of all road defects. All repairs are done as quickly as possible after the Highway Surveyor receives a report of a problem. In the winter, hot asphalt patch material is not readily available and it is often necessary to use temporary "cold patch" material, which does not adhere as well to the surrounding base material. For this reason, some potholes may need to be patched several times over the winter months, until the warmer weather allows for a permanent repair to be made.

A claim for damages arising from an accident caused by a road defect is governed entirely by Massachusetts General Laws Chapter 84, Sections 15-20. Under this statute, municipalities are liable for damages caused by road defects only when the municipality had actual notice of the road defect and failed to take reasonable steps to repair the defect, or the defect must have been in existence long enough so that the municipality should have known about and repaired the defect. Even so, the driver of the vehicle must also demonstrate that the damage was unavoidable.

Any claim for damages should be directed to the Highway Surveyor, Longfellow Municipal Center, 8 Central Street, Millville, MA 01529. For additional information concerning filing a claim you may call the Executive Secretary at 508-883-1186.