

# White Paper

**The Case for Sidewalk Condition Surveys:**  
Enhancing Community Safety and Mitigating Legal Risks



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# Executive Summary

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This whitepaper provides an overview of the significant benefits associated with public works agencies conducting regular sidewalk condition surveys. It emphasizes the importance of these surveys in enhancing pedestrian safety, promoting public well-being, and reducing the likelihood of litigation due to trip and fall incidents. By investing in systematic sidewalk assessments, agencies can proactively address infrastructure issues, thereby safeguarding their communities and managing their financial risks effectively.





# Introduction

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Sidewalks play a crucial role in urban infrastructure, facilitating pedestrian movement and contributing to the overall livability of communities.

However, uneven, cracked, or damaged sidewalks can pose serious risks to safety, leading to accidents and injuries.

This whitepaper explores how regular sidewalk condition surveys can serve as a strategic tool for public works agencies to enhance pedestrian safety and mitigate legal risks.



Implement strategic sidewalk condition surveys to prevent costly future repairs and enhance safety across the community.



Utilize cutting-edge survey technology to efficiently identify repair needs and prioritize maintenance.



Invest in well-maintained sidewalks to boost accessibility, minimize injuries, mitigate legal risks.

# Benefits of Sidewalk Condition Surveys

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*Maintaining sidewalks in good condition is not just about legal compliance; it demonstrates an agency's commitment to inclusivity and equal access for all citizens.*

## Enhancing Public Safety

Regular sidewalk assessments are vital in identifying and prioritizing repairs for hazardous conditions, thus preventing accidents and enhancing pedestrian safety.

These surveys support the development of maintenance strategies that address critical issues before they cause serious injuries.

By systematically evaluating sidewalk conditions, agencies can detect subtle changes over time, such as heaving from tree roots or erosion caused by water damage.

This proactive approach allows for timely interventions, which not only protect the public but also

extend the lifespan of the sidewalk infrastructure itself.

Furthermore, such surveys can incorporate the use of advanced technologies like geographic information systems (GIS) and mobile imaging to improve accuracy and efficiency in data collection, providing a comprehensive understanding of sidewalk health across urban landscapes.

# Benefits of Sidewalk Condition Surveys

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## **Improving Quality of Life**

Well-maintained sidewalks are more than just pathways; they are vital components of urban ecosystems that promote higher community engagement by supporting active lifestyles and ensuring safe pedestrian traffic. They contribute significantly to a city's aesthetics and pedestrian friendliness, encouraging walking as a primary mode of transportation, which has broader health and environmental benefits.

Sidewalks in good condition reduce barriers to outdoor activities for everyone and are especially crucial in areas with high foot traffic and in communities serving vulnerable populations such as the elderly and children. For instance, smooth and well-maintained walkways prevent trips and falls for seniors, making outdoor spaces more accessible and enhancing their independence. Additionally, families with young children and individuals with strollers or bicycles find better-maintained sidewalks safer and more convenient, fostering a more active and engaged community.

## **Supporting ADA and PROWAG Compliance**

Sidewalk condition surveys are crucial for ADA compliance, ensuring public facilities are accessible to everyone, including those with disabilities. These surveys also help agencies meet Public Right-of-Way Accessibility Guidelines (PROWAG). With evolving regulations, having accurate data helps agencies identify and address compliance issues effectively. Annual evaluations and maintenance ensure sidewalks remain clear of obstacles and hazards like cracks, uneven surfaces, or excessive slopes, maintaining safe and accessible pathways.

Maintaining sidewalks in good condition is not just about legal compliance; it demonstrates an agency's commitment to inclusivity and equal access for all citizens. These efforts help build trust within the community, showing that the needs of all residents, regardless of ability, are considered and addressed.

Implementing thorough and regular sidewalk condition surveys ensures that all segments of the population can navigate their communities safely and with dignity, aligning public infrastructure

# Economic Implications of Sidewalk Surveys

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## **Cost Savings in Long-Term Infrastructure Management**

Investing in regular sidewalk condition surveys can significantly reduce long-term repair costs. By identifying and addressing small issues before they worsen, municipalities can avoid the need for more extensive and expensive repairs in the future. This proactive approach not only extends the lifespan of the infrastructure but also optimizes the use of public funds by preventing costly overhauls.

## **Avoiding Costly Litigation**

Sidewalk-related injuries often lead to legal claims, which can be financially burdensome for municipalities. Proactive surveys and subsequent repairs diminish the likelihood of these incidents, thereby reducing potential legal costs.

In many cases, litigation arises from trip and fall accidents on poorly maintained sidewalks. In California, for example, the courts have ruled on numerous cases where defects in sidewalks led to injuries. The state does not strictly apply a “two-inch rule” for determining liability but instead considers the defect as a whole. A series of legal precedents have shown that even small defects can be significant if they contribute to an injury. This highlights the importance of maintaining sidewalks to prevent defects from reaching a point where they could be considered hazardous.

Michigan law also illustrates the potential for municipal liability. The state’s Governmental Tort Liability Act includes sidewalks in the definition of “highway,” making municipalities responsible for maintaining them in a condition that is safe for public travel. This legal framework makes clear that if a defect on a sidewalk directly leads to an injury, the municipality can be held liable unless it can demonstrate that the defect was trivial or that it had maintained the sidewalk in reasonable repair.

These examples underscore the importance of regular sidewalk surveys and maintenance to mitigate the risk of litigation. By ensuring sidewalks are in good condition, municipalities not only enhance public safety but also protect themselves against potential lawsuits, which can result in significant financial liabilities and damage to the municipality’s reputation.

# Responsibility to Avoid Litigation

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*In some jurisdictions, courts have considered the regularity and thoroughness of sidewalk inspections as a key factor in determining whether a municipality exercised reasonable care.*



## **The Risk of Negligence Claims**

While agencies may worry that identifying trip hazards could increase exposure to negligence claims, the opposite is often true. Ignoring sidewalk conditions can lead to injuries and subsequent claims alleging that the agency failed in its duty to maintain safe pathways.

Annual assessments and prompt repairs not only affirm an agency's dedication to public safety but also provide solid evidence of proactive management.

Courts in various jurisdictions frequently consider the frequency and detail of sidewalk inspections when evaluating if an agency exercised reasonable care.

Agencies with detailed inspection logs and maintenance records are better equipped to defend against claims, showing a consistent commitment to mitigating hazards effectively.

For example, in some jurisdictions, courts have considered the regularity and thoroughness of sidewalk inspections as a key factor in determining whether a municipality exercised reasonable care.

In instances where municipalities have comprehensive inspection and maintenance records, they are better positioned to defend against negligence claims.



# Responsibility to Avoid Litigation

## Best Practices for Litigation Prevention

To minimize legal risks associated with sidewalk maintenance, agencies should adopt several best practices:

- **Annual Inspections**

Conduct annual inspections of all sidewalks. Use technology such as GIS mapping to track and document sidewalk conditions accurately and consistently over time.

- **Timely Maintenance and Repairs**

Establish a schedule for routine maintenance and ensure that repairs are carried out promptly when defects are identified. Prioritize repairs based on the severity of the sidewalk damage and the volume of pedestrian traffic in the area.

- **Documentation and Record Keeping**

Maintain detailed records of all inspections, maintenance activities, and communications related to sidewalk conditions. Documentation should include dates, nature of the findings, actions taken, and parties involved.

- **Public Communication**

Regularly inform the community about ongoing and upcoming maintenance activities. Use multiple communication channels such as local newspapers, online platforms, and public meetings to keep citizens informed and engaged.

- **Training and Education**

Provide ongoing training for staff on the latest standards and techniques for sidewalk maintenance and safety inspections. Educate staff on the legal implications of sidewalk upkeep and the importance of their role in preventing injuries.

- **Feedback Mechanism**

Implement a system for residents to report sidewalk issues. This not only helps in quick identification and resolution of potential hazards but also engages the community in maintaining public safety.

- **Legal Reviews**

Periodically review the municipality's policies and practices with legal experts to ensure they comply with current laws and regulations concerning public infrastructure maintenance.

By implementing these practices, municipalities can significantly reduce the risk of litigation related to sidewalk accidents and demonstrate a strong commitment to safeguarding public welfare. These actions not only fulfill legal responsibilities but also promote a positive social impact by enhancing the accessibility and safety of public spaces.

# Conclusion

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Sidewalk condition surveys represent an essential facet of municipal infrastructure management, pivotal not only in enhancing citizen safety and well-being but also in safeguarding public agencies from potential legal repercussions. These surveys do more than just identify areas in need of repair; they embody an agency's proactive stance on public safety, demonstrating a clear commitment to legal compliance and fiscal prudence. By systematically addressing sidewalk maintenance, municipalities can prevent the degradation of their pathways, thus avoiding costly repairs and legal challenges. Moreover, these efforts contribute significantly to the aesthetic and functional quality of urban environments, promoting healthier and more active communities.

Municipal leaders are urged to critically assess their current sidewalk management practices and consider the adoption of regular, comprehensive sidewalk condition surveys. Implementing such surveys is a strategic move towards building safer, more vibrant communities. It not only enhances the quality of life for all citizens but also establishes a robust legal defense against potential litigation. As municipalities strive to meet their obligations to public safety and accessibility, the integration of regular sidewalk assessments into their urban management practices is indispensable.

Municipal agencies should consider setting benchmarks for sidewalk quality and establishing regular review cycles that will help in prioritizing repairs and upgrades. By doing so, they can ensure continuous improvement in their infrastructure and service delivery. Furthermore, engaging with professional services for these surveys can provide the expertise needed to identify and rectify issues effectively, enhancing the overall management of pedestrian pathways.

To facilitate these improvements, it is crucial for municipal leaders to allocate appropriate resources and foster a culture of maintenance that values proactive over reactive measures. Additionally, adopting innovative technologies and methodologies in survey processes can significantly enhance the accuracy and efficiency of these evaluations, leading to better-informed decisions and more sustainable infrastructure management.

*IMS offers detailed [sidewalk surveys](#) to help municipalities, transportation agencies, and private sector clients in the USA and Canada maintain and enhance their pedestrian infrastructure. Our advanced surveys provide critical data for effective sidewalk management via [Easy Sidewalk Analysis](#) (ESwA.)*



# Suggested Reading

*In Seattle, a case against Puget Sound City resulted in a settlement of \$260,000 after a woman tripped on an uneven section of sidewalk and injured her knee. Both the city and the adjoining landowner were implicated in the negligence claim.*

<https://www.emeraldlawgroup.com/260000-00-trip-and-fall-settlement/>

*In Los Angeles, a massive \$1.4 billion class action settlement was reached between the city and disabled individuals to address the repair of crumbling sidewalks. This settlement was notable not just for its size but because it addressed broader accessibility and safety issues under the Americans with Disabilities Act.*

<https://www.advocatemagazine.com/article/2017-november/issues-to-consider-when-litigating-a-sidewalk-case>

*In New York, a mother of two received a \$2.75 million settlement after tripping and falling on an uneven sidewalk in a shopping center, resulting in serious knee injuries that required multiple surgeries. The case highlighted the significant injuries and the legal arguments regarding the property owner's negligence in maintaining the sidewalk.*

<https://www.blockotoole.com/verdicts-settlements/2-750-000-for-woman-injured-in-trip-and-fall-on-uneven-sidewalk/>

