

POTHOLES

Potholes are an unfortunate but inherent danger on the roads that we travel. Potholes generally develop after heavy rains, due to subsurface erosion, or when a frost heave collapses. Since we have no control over the weather, the Town of Mendon is not responsible for damage to vehicles caused by potholes.

Claims from defects in public roads and ways fall under the jurisdiction of M.G.L. Chapter 84, Sections 15 – 18. Section 15 of this statute details circumstances under which a municipality may be found liable for damages arising from a road defect.

Section 15 details that in order for a municipality to be liable for damages arising from a road defect, they must have *prior knowledge* of the defect or want of repair and fail to remedy it within a reasonable time frame.

If you become aware of a dangerous pothole, please inform the Public Safety Department or directly to the Highway Department. If your vehicle has been damaged AND the pothole had been reported AND the Highway Department has not responded in a timely fashion, you may be able to file a claim for insurance reimbursement.

If you have any questions, please call the Highway Department at 508-473-0737.

Chapter 84: Section 15. Personal injuries or property damage from defective ways

Section 15. If a person sustains bodily injury or damage in his property by reason of a defect or a want of repair or a want of a sufficient railing in or upon a way, and such injury or damage might have been prevented, or such defect or want of repair or want of railing might have been remedied by reasonable care and diligence on the part of the county, city, town or person by law obliged to repair the same, he may, if such county, city, town or person had or, by the exercise of proper care and diligence, might have had reasonable notice of the defect or want of repair or want of a sufficient railing, recover damages therefore from such county, city, town or person; but he shall not recover from a county, city, town or local water and sewer commission more than one fifth of one per cent of its state valuation last preceding the commencement of the action nor more than five thousand dollars; nor shall a county, city or town be liable for an injury or damage sustained upon a way laid out and established in the manner prescribed by statute until after an entry has been made for the purpose of constructing the way, or during the construction and repairing thereof, provided that the way shall have been closed, or other sufficient means taken to caution the public against entering thereon. No action shall be maintained under this section by a person the combined weight of whose carriage or vehicle and load exceeds six tons.