

Complete Streets Summit: Liability Breakout

Friday, October 22, 2010

Room 411

1:45pm

Speakers:

Dorothy Kowal, Attorney, Price, Meese, Shulman &
D'Arminio and Tracey Hinson, Attorney, Szaferman, Lakind,
Blumstein, & Blader, P.C. Moderated by Ranjit Walia, Alan
M. Voorhees Transportation Center

Complete Streets Liability Questions

1. If we encourage people to use roads that have little or no shoulder, are we potentially liable in the event of an accident involving a rider/pedestrian?
2. If a best practices guide was developed on best practices in intersection and crossings design, but it was not an “official” document adopted by the state does that provide any liability “cover”? Who needs to adopt it for it to hold any water?
3. A County Road was being resurfaced and there was a proposal from a municipality to a county where parking would be eliminated on one side of the street and travel lanes reduced to 10.5 feet so as to be able to create a bike lane in each direction of travel. The County would only accept the proposal if the municipality accepted all liability and maintenance of the bike lanes. The County said that the bike lanes would be an “attractive nuisance” and increase liability exposure.
4. Does design immunity cover consulting engineers?

Complete Streets Liability Questions

5. If a city installed bike lanes of 5-6' in width (the recommended practice) could the city be liable for damages caused by dooring?
6. I have heard stories from county/municipal engineers that they are reluctant to stripe roadways for bike lanes because of liability concerns. They feel there is MORE liability on their part if they DO provide for bike lanes, rather than not providing for bike lanes at all.
7. Some counties have been reluctant to implement traffic calming on county roads because it is not in the NJ Roadway Design Manual, however guidance on traffic calming is in many other national standards. If you follow national standards does that provide "design" protection if followed correctly?
8. Is there MORE maintenance obligation if you stripe a bike lane vs. simply having a shoulder? I.e. Do you have more liability for a bike lane vs if you had made no change to the roadway?

Complete Streets Liability Questions

9. What happens if you build an off road bicycle path? What happens if there is a rainstorm and it washes gravel onto the path? If someone then slid out because of that condition and got into a crash are you liable?

10. What happens if a cyclist or pedestrian departs from a sidewalk, bike lane, or path and enters onto the adjacent private property? Does that private property owner have potentially higher exposure to liability in case the person tripped or fell and injured themselves on the private property?

11. What do you think of schools who don't want to encourage children to walk or bike to school because of concerns of liability associated with children getting hurt during their walk/ride?

12. Does a homeowner have more liability if a sidewalk is built in front of their home vs if there was no sidewalk?

Four Lane Road with Two Bike Lanes



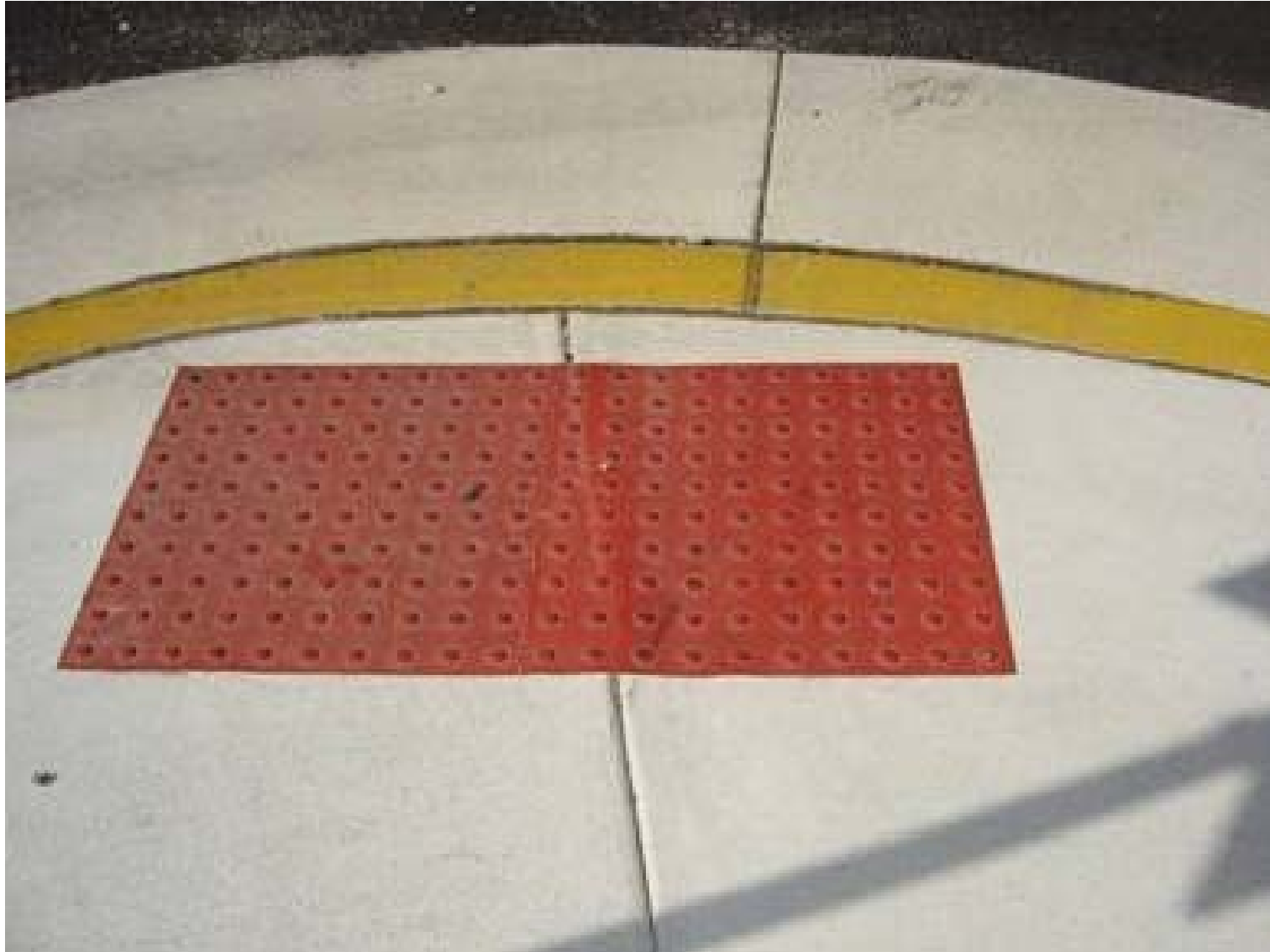
Photographer: Michael King

ADA Accessible Push Button



Photographer: Gordon Meth

ADA Accessible Ramp



Photographer: Glen McAnanama

ADA Inaccessible Button



Photographer: Ranjit Walia

Bike Lane on Two Lane Road



Photographer: Leigh Ann Von Hagen

Bike Lane Through Intersection



Photographer: Michael King

Broken Heaved Sidewalk and Debris along Shoulder



(c) Andrew J. Besold

Bulb out and Buffered Sidewalk



Photographer: Joseph Powell & William Riviere

Highway Onramp and Crosswalk in Poor Repair



Photographer: Ranjit Walia

Highway Onramp and Sidewalk without a Buffer



Photographer: Ranjit Walia

Curb Ramp with a Lip



Photographer: Ranjit Walia

Neighborhood Street, Bulb Out and Buffered Sidewalk



Photographer: Joseph Powell & William Riviere

Sidewalk Obstruction and Sidewalk without a Buffer



Photographer: NA

Pedestrian Refuge Island



Photographer: Petra Staats

Raised Intersection



Photographer: Joseph Powell & William Riviere

Route 1



Photographer: Amanda Brown/The Star-Ledger

Shared Roadway



Photographer: John Boyle

Sidewalk Ends in Bushes



Photographer: Leigh Ann Von Hagen

Wide Sidewalk Downtown



Photographer: Leigh Ann Von Hagen