



Lessons Learned from Winter 2015

Winter is fast approaching and as part of our “Lessons Learned” following 2015’s record snowfall, MIIA is urging our member towns to plan ahead for snow removal efforts. Private contractors are a major component of the snow removal and response teams deployed by most communities. As you are identifying and hiring the private contractors or independent plow operators who will make up your storm response team, MIIA reminds you to verify the appropriate insurance is in place for each operator and to complete a contract with each provider.

Engaged private contractors should be able to demonstrate they have in place the correct insurance coverages and have purchased appropriate coverage limits. MIIA members should protect themselves by completing contracts, which include “hold harmless” and “indemnity” language clearly transferring the risk of loss to the contractor.

Also, with the increase of “before school” programs, we see many early morning slip and fall claims. This can be from a light overnight snow or a thawing and re-freezing situation. In either case, we would look into snow removal contractor’s obligations under the applicable contract and determine if our member is entitled to defense and indemnification from the contractor for these general liability claims.



Listed below are **coverage recommendations** for plow contractors, risk transfer guidelines as well as some general recommendations to consider to reduce your winter related liability exposures that were discussed during our conference.

- Ensure plow contractors have adequate coverage. For recommendations click [Snow Plow Contractor Guidelines](#)
- In addition be sure indemnification and hold harmless agreements are in place. Click here for samples. [Risk Transfer Guidelines](#)
- Request certificates of insurance during the plow season to ensure the contractor did not cancel the completed operations policy.
- With the “reasonable care” standard of liability in mind, maintain logs for who and when sidewalks and parking lots were plowed or cleared.
- As best as you can, track plow routes for contractors and be sure to note when routes may have overlapped
- Consider implementing a policy for mailbox replacement that standardizes how much will be provided if the Town is found at fault for damages.
- Enforce sidewalk clearing ordinances that are in place.
- Require a copy of each contractor’s motor vehicle record to ensure they hold a valid drivers license and require the contractor to notify you if the license is suspended for any reason.
- Consider use of GPS to track town and contractor plow routes.
- Have a plan for monitoring low temperatures and maintaining your buildings, especially over the weekends.
- Have a plan for employees who may be fatigued after working long hours.
- Increase communication with your residents using AM radio stations, reverse 911, social media, etc. to communicate your snow removal plans and other emergency notifications.