



Town of Millbury Department of Public Works

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 Tel. 508 / 865-9143 • Fax: 508 / 865-0843

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RE: DPW Pothole Policy

Pothole Repairs:

Pursuant to MGL Chapter 84 § 15 (see cite below), the Town of Millbury has two (2) business days to fix potholes, trenches, road hazards etc. once it is reported to the Department of Public Works. Prior to the report, the Town is not liable to reimburse costs for damage to vehicles, people, or property damaged by an unreported road defect. The Department makes every effort to find these road defects before they cause damage, but potholes can "bloom" overnight, especially during the early winter and early spring.

The General Laws of Massachusetts
PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE XIV. PUBLIC WAYS AND WORKS
CHAPTER 84. REPAIR OF WAYS AND BRIDGES
DAMAGES FOR DEFECTS IN WAYS

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 therefor from such county, city, town or person.

Pothole Claims:

Potholes are generally caused by the combination of the expansion and contraction of freezing and thawing water underneath the road surface and the compression and recompression caused by motor vehicles passing over the surface. Once the surface of the road is broken, the pieces are knocked away by passing cars and the material underneath is washed away by rain. These freezing and thawing conditions can produce a very large number of potholes overnight. Potholes may also be caused by contractors who dig up a street to make utility connections or repairs. DPW puts crews out year-round to fill potholes.

Pothole reports can be submitted via email to potholes@townofmillbury.net or by calling Customer Service at (508) 865-9143.

Pothole Claims (continued):

Under state law, the town is responsible for repairing defects in public ways. However, the law does not guaranty the safe condition of public ways. The law makes the town liable for damages caused by defects only if the town fails to make repairs within a reasonable time after the defect appears. The town of Millbury uses forty-eight hours (two business days) as a reasonable time to repair a pothole after it is reported. Even if the town is negligent for not repairing a pothole on a timely basis, state law prevents the town from paying the claim if the driver was also negligent. Exceeding the speed limit is the most common form of driver negligence.

If you believe that the town was negligent by not repairing a reported pothole within twenty-four hours, or if it appears that the pothole was within a portion of a street opened and patched by a contractor, you should file a claim against the town.

Adopted by the Millbury Board of Selectmen on MARCH 28, 2017

1st reading: January 24, 2017 – change 24 hrs to 48 hrs and clarify business days

New 1st reading February 14, 2017

2nd reading: February 28, 2017

3rd reading: March 28, 2017