

Insights & Updates

New York | Winter 2021

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Sidewalk of shame: Who is responsible for clearing sidewalks in the winter?

Winter. That word—at least in the Northeast—immediately brings to mind the image of staring out a window, drinking hot chocolate, watching the snow over a winter wonderland.

But, back in reality, who is responsible for clearing all that magical snow before someone slips and falls on the sidewalk? The most logical answer is that the municipality that installed and owns the sidewalk would be responsible for its snow and ice removal. Unfortunately, that usually is the wrong answer in New York state.

Traditionally, municipalities were responsible for snow removal. However, in recent years, most municipalities in New York have enacted ordinances that shift that responsibility to the property owners located adjacent to the sidewalks. The reason for this shift was not to get out of the backbreaking work, but instead to shift liability of a slip-and-fall to the property owner.

If property owners are liable for failing to remove snow, what does that mean? Do they need to quit their jobs during the winter just to patrol their sidewalks and ensure no wayward snowflakes reach the ground? No, they do not. Property owners are not held strictly liable for any slip-and-fall that occurs on their

snowy sidewalks. Instead, the principles of premise liability apply, which state that property owners are liable for harm only if they failed to act reasonably to keep their property safe. For example, traditionally, courts have decided that it would not be reasonable to require people to patrol their property actively for any sign of snow. The common law—law created by courts—in New York, states that a property owner does not have a responsibility to clear snow while it is actively falling.

Instead, property owners are given a reasonable amount of time to remove the snow. What is reasonable, though? The answer can vary widely depending on the municipality. For example, New York City requires snow to be removed within four hours of the end of a storm. Meanwhile, Albany grants property owners 24 hours to clear the snow. It's important to check your municipality's ordinance to see what it requires.

With the responsibility and liability of snow removal on the property owner, it is imperative to have the proper homeowners coverage, if and when an accident occurs. Contact our office today to discuss your coverage options.



The weather outside is frightful ...

Tips about driving in the winter



17%

of all vehicle crashes happen in the winter

Over 70%

of the roads in the U.S. are in snowy regions

Almost 70%
of the
U.S. population
lives in those regions

156,164
crashes annually
as a result of
winter conditions

70%
of winter-related
fatalities happen
in cars

It's best to avoid driving in winter weather conditions if we can. But, sometimes, we don't have a choice. Follow these tips to maximize your safety when driving this winter:

- 1. Leave early.** Allow yourself extra time to get to your destination. Other drivers will drive slower than usual and you should, too. And, remember: it is better to be late than risk causing an accident by driving too quickly in the snow.
- 2. Keep your lights on.** Even during the day, keep your lights on so other drivers can see the front and rear of your vehicle. Additionally, try to maintain a distance of at least three car lengths between you and the car in front of you, so if you see brake lights turn on, you'll have space to slow down to avoid sliding into the car in front of you.
- 3. Install snow tires.** Invest in snow tires that will increase your traction when you're driving. All season tires are safe if you're not traveling far, but for longer trips and higher speeds, it's safer to have snow tires instead.
- 4. Don't pass plows.** If you pass a plow, you could be driving into unsafe territory that hasn't been cleared of ice and snow yet. It is common for motorists to rear end plows. You can avoid this by driving slowly and by keeping your distance. Stay at least five car lengths behind a plow when you are driving behind it. Otherwise, the plow operator might not be able to see you.
- 5. Don't use cruise control.** Don't engage cruise control when driving in the snow. It's critical that you have control of your vehicle to remain at a slower speed, to slow down steadily if needed, and to control how close you are driving to other motorists.
- 6. Save our number in your phone.** If an accident occurs, call emergency services first, and then find our number in your contacts and give us a call. And, talk to us ahead of time. We can make sure that you have the optimal coverage to protect you, your family and your vehicle if a winter-related accident occurs.

Protect your home while you're away



It's important that you take some safety measures to protect your house while you are away on vacation. Before you leave:

Phone a friend. Ask friends to stop by your property periodically while you're away. They should walk around the outside of your home to check your windows, doors and locks. Then, they should walk through the inside to make sure everything appears normal. Ideally, someone could simply stay at your house while you're away.

Look "at home." If someone can't stay at your house while you're away, you'll want to make sure it appears that you're at home to prevent potential trespassers from believing you're away. For example, you may want to set a few lamps in the house on timers so they turn on for a few hours at night. Someone should collect your mail and bring your garbage bins in and out, too—a stuffed mailbox and garbage bins left on the side of the road are

indicators that your house is unoccupied. And, if it snows, you should hire someone to come clean it up, or ask a friend to leave fresh tracks from a car and feet in the driveway.

Unplug, empty and drain. Remember to unplug your electronic devices while you're away—barring your refrigerator and freezer, and the lamps that we suggest you keep on timers. Unplugging electronics that aren't being used will lessen the risk of an electrical fire in your home while you're away. Also, empty your refrigerator and cupboards of anything that will spoil before you come home. Lastly, shut off the main water line in your home, and empty the pipes by flushing the toilets and running the water. Winters in the Northeast are frigid—if a frozen pipe bursts, it can cause costly damage to your home.

Call your independent insurance agent. We hope that you won't need to file a

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homeowners claim when you come home from your travels. But, we are here for you if you need us after you return. Before you leave, give us a call so we can review your homeowners policy and we can make sure that you have the optimal coverage to protect your home year-round.

Do you have the right auto coverage?

No one wants to pay more for car insurance, but the lowest price won't always get you the coverage and protection you need. There are many things standard auto policies won't cover, and after an accident isn't the time to find out you're not covered.

Rental auto coverage

Standard auto coverage provides some rental auto coverage if your car is being repaired after an accident. However, you may want to choose higher rental reimbursement limits than what the standard policy offers.

Stolen or vandalized autos

Typically, loss of personal property in your car when it is vandalized or stolen is not covered by your personal auto policy. However, such loss will be covered by a

standard homeowners policy, subject to the deductible and limitations.

Commercial use of personal autos

Standard auto policies also do not cover vehicles that your employer has furnished to you. Without endorsement, your protection is limited to what the employer provides.

Pet protection

If your dog or cat is injured in an auto accident, a standard policy will not cover your pet's injuries. However, some insurers offer a policy endorsement to protect your furry family members.

Simply put

Comprehensive auto coverage is your best bet, because it usually offers these



sorts of protections. But, there are options to add additional coverage to meet your needs and cover many of the noncovered items discussed in this article.

Do you have questions about your personal auto coverage? Call our office today and we will be happy to review your policy and help you find a new one that is right for your needs.

News from our agency

Rely on an independent agent

This winter, we want you to know that, whether you are traveling for the holidays, or you're at home shoveling your sidewalk, your independent agent is here for you.

Whether you need to make a claim, or you just want to ensure that you have the best coverage for you and yours, we have your back.

So, you can relax this holiday season, and enjoy time spent with your loved ones. If you need us, we're just a phone call away, ready to help out however we can.

