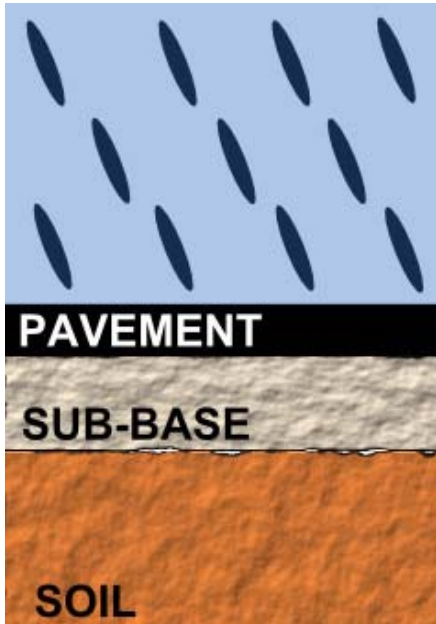


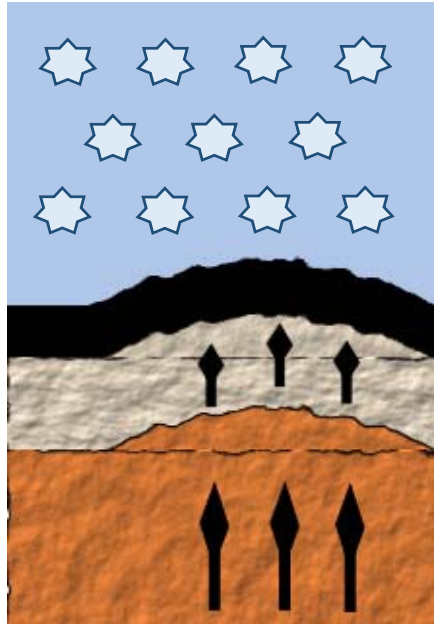
Birth of a Pothole

Step 1



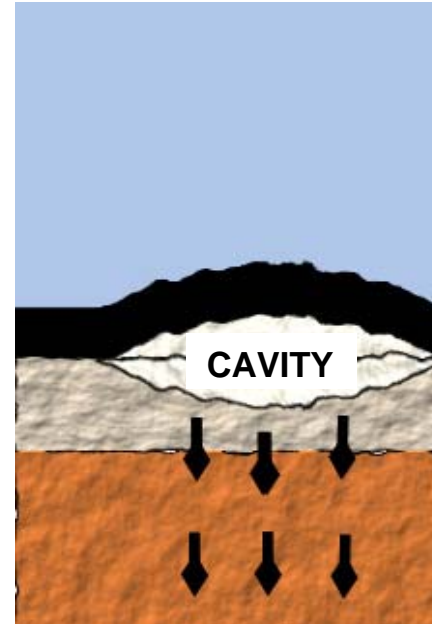
1. Potholes begin after snow or rain seeps into the soil below the road surface.

Step 2



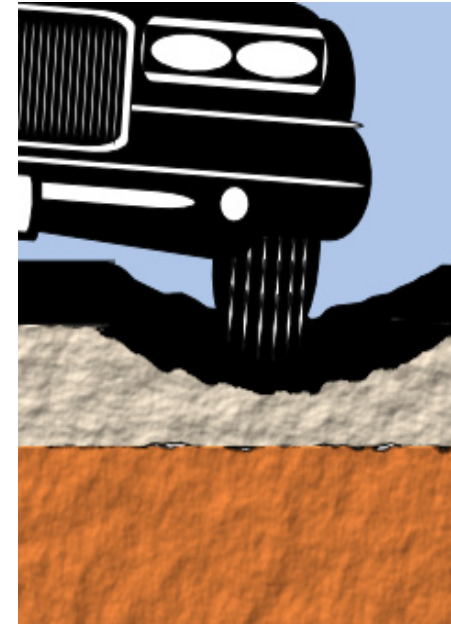
2. The moisture freezes when temperatures drop, causing the ground to expand and push the pavement up.

Step 3



3. As the temperatures rise, the ground returns to normal level but the pavement often remains raised. This creates a gap between the pavement and the ground below it.

Step 4



4. When vehicles drive over this cavity, the pavement surface cracks and falls into the hollow space leading to the birth of another pothole.

Potholes are already a major problem for drivers on Michigan roads this year and they are only expected to get worse as the freeze-thaw cycle begins next week.

Unfortunately for motorists who hit a pothole hard enough to pop a tire, dent a rim or wreck their suspension, the inconvenience of having a damaged vehicle may only be the beginning of their troubles.

“Most insurance companies, a major percentage of them, will treat you hitting a pothole and damaging your vehicle as an at-fault collision. It’s critical that people understand that,” Ann Arbor Insurance Associates owner Matt Derrenberger said.

“What people need to understand is that they are in total control of their vehicle, that’s where insurance companies and law enforcement go hand in hand.”

Derrenberger explained that just as people were ticketed in Detroit recently for getting stuck in snowbanks, automotive insurance companies view hitting a pothole as something that should be avoidable.

“I have a client that had a perfect record, he has been insured with me for 15 years,” Derrenberger said. “He avoided one pothole and ended up hitting another. He had nowhere else to go. The problem is he was under control of his vehicle. The insurance companies say he should have stopped and, it sounds stupid, but he should have figured out a way not to hit it.”

Washtenaw County drivers may beg to differ with the assertion that potholes are an avoidable hazard on some roads, but they have little recourse to fight the at-fault nature of the claim.

“It’s one of those gray areas,” Derrenberger said. “The insurance companies’ standpoint is you have to be in control of your car and they can’t necessarily tell who is and who isn’t.”

Most – but not all – plans will cover pothole-related damage, but Derrenberger said that his agents tell their clients that it’s important

to think carefully before submitting a claim and to weigh the pros and cons. If an insured person’s collision deductible were \$500, the cost of repairs would need to be significantly higher in order to make an at-fault claim worthwhile. Derrenberger said that a \$700 fix would probably not be claimed but it gets a little more tricky when claims go up into the \$1,500 range.

“Some companies will forgive one claim, it can depend on the cost of the claim, and some will not count it against you as much,” he said. “But if you have this car that will be surcharged if you have more than one claim and that claim is going to stay on there for three years probably, is it worth that \$1,000 to have that claim on there?”

Beth Tolin of Dusty’s Collision in Ann Arbor said she is already seeing about 10 people in her shop every week with pothole-related damage. She said the cost can vary significantly based on the severity of the damage and the value of the vehicle. “If it’s just a wheel and a tire it can be a couple hundred dollars,” she said. “If it’s severe enough that it takes out suspension it could be a couple thousand dollars at least.”

If drivers believe that the roads are primarily at fault for their damages, they can submit a claim against the agency responsible for the maintenance of the road. The Michigan Department of Transportation said recently in a press release that claims can be made through its website, but that few are eligible for payment.

“To prove a highway defect claim, state law requires a motorist to show that the road agency failed to maintain the highway in reasonable repair,” the release states.

“The motorist must show that MDOT knew of the condition and had an opportunity to repair it, or that the condition existed for more than 30 days. Few claims are eligible for payment because potholes develop quickly.” Claims against the city of Ann Arbor can be made on the city’s website.

Derrenberger said in his 28 years as an insurance agent he has never seen an insurance company pursue subrogation – attempt to collect payment – from a municipality for poor road conditions. “At some point you just have to take the lump and move on.” he said.

