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Hank Investigates: Pothole Secrets

Hank Phillippi Ryan

It's pothole season, they're worse than ever right now. If one wrecks your car how can you get your city or town to pay for it? Hank reveals all the pothole secrets.

Blown tires, damaged rims, missing hubcaps and sky high repair bills.

Don's car had two flat tires and a wrecked front end.

Don Sullivan: "I almost lost control of my vehicle because the car went airborne."

And here's what caused all that: Potholes.

Driver: "I think they're the worst."

They pop up on the pavement in every city and town

Driver: "Some of them are pretty big."

And this time of year is the worst.

Driver: "It stinks"

Like so many other angry drivers, Don thought: the city's got to pay for this!

Don: "There has to be some responsibility on their part."

But our investigation into hundreds of drivers' claims for pothole damage found getting your community to pay your repair bills is paved with pitfalls and drivers almost always never winning.

Hank: "What do you think are the chances?"

Attorney Donald Grady: "Slim and none. Sorry."

Hit a pothole in Leominster? Good luck. We found in 2015, the most recent full year of records, that city did not pay one pothole claim! Same in Plymouth, records the town could provide show not one claim paid. Officials there told us: "Most pothole claims get denied." And in Worcester, they paid just one!

Hank: "Why is it so rare that they pay?"

Grady: "The law makes this kind of claim very, very difficult to pursue."

That's the "Defects in the Right of Way" law, which along with case law, gives communities lots of legal reasons not to pay. If a claims not filed within 30 days: denied. If the city didn't know about the pothole: denied. If it not the town's road: denied.

Hank: "So basically they just want you to go away."

Grady: "Yeah, of course! And they don't willingly pay it they take their time doing and people just naturally give up."

But there are some pothole payment secrets.

Grady: "You're gonna have to document it, take pictures of that pothole, have your estimates lined up and get that information as give them all that information as soon as you possibly can."

Sometimes drivers do succeed. We found Revere paid 16% of claims, Boston 21%, Weymouth 26% and Springfield 34% of claims.

But in Quincy where Don's pothole lurked on the Burgin Parkway, only 10%.

Don's claim, though, was denied.

But here's another secret.

He was so angry, he sued the city in small claims court and wound up with a big check.

Don: "You can't fight city hall but I did and I won!"

Before you complaint to city hall make sure you know they're responsible for the pothole. If you hit one on a state highway the rules are different so check our website for all the info. In the newsroom I'm Hank Phillippi Ryan.

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