Risk Safety Bulletin
August 2026
Protecting the Public and Reducing Municipal Liability

Why Inspections Matter

Sidewalks and public trees are significant sources of premise liability exposure for California cities. Cracked or displaced sidewalks, tree-root damage, potholes, dead limbs, structurally defective trees, and obstructed pedestrian pathways can create dangerous conditions that result in serious injuries.

California's Government Claims Act establishes potential liability for a public entity when an injury is caused by a dangerous condition of public property and the statutory requirements are met.

Government Code § 835 provides that a public entity may be liable when:

- The property was in a dangerous condition.
- The condition created a reasonably foreseeable risk of the type of injury that occurred.
- The dangerous condition caused the injury; and
- The public entity had actual or constructive notice of the condition, or a negligent or wrongful act of an employee created it.

The importance of a regular inspection program is particularly evident in Government Code § 835.2.

Constructive Notice: The Inspection Issue

Under Government Code § 835.2(b), a public entity may have constructive notice when a dangerous condition existed for a sufficient period and it was sufficiently obvious that the agency, exercising due care, should have discovered it.

The statute specifically considers whether the condition would have been discovered through a reasonably adequate inspection system.

- The adequacy of the system may include consideration of:
- The practicality and cost of inspection.
- The likelihood and magnitude of the potential danger.
- Whether the agency actually operated the inspection system with due care; and
- Whether the inspection system failed to discover the condition.

Risk Management Point: A city should be prepared to demonstrate not only that it responds to complaints, but that it has a reasonable system for proactively identifying dangerous conditions.

Sidewalk Inspections

Common Sidewalk Hazards

A sidewalk inspection should identify:

- Cracked, broken, or missing pavement.
- Vertical displacement or trip hazards.
- Tree-root uplift.
- Potholes and surface deterioration.
- Drainage problems.
- Damaged or inaccessible curb ramps.
- Vegetation encroachment.
- Obstructions.
- Utility covers or other elevation changes; and
- Other conditions affect pedestrian safety.

Property Owner Responsibility Does Not Eliminate City Risk

Streets and Highways Code § 5610 establishes statutory sidewalk maintenance responsibilities for certain owners of property fronting public streets.

Streets and Highways Code § 5611 provides procedures for notifying an owner when a sidewalk is out of repair and presents a danger to persons or property or interferes with public use.

However, cities should not assume that these statutes eliminate municipal liability. The city should maintain procedures for identifying, documenting, and addressing dangerous sidewalk conditions within the public right-of-way.

Recommended Sidewalk Inspection Program

Cities should be established:

- A written inspection policy.
- Defined inspection responsibilities.
- A risk-based inspection schedule.
- Standard inspection forms.
- A process for photographing and documenting hazards.
- Hazard classifications and corrective-action deadlines.
- Procedures for temporary protection or closure.
- Property-owner notification procedures where applicable; and
- Follow-up inspections to verify correction.

Tree Inspections

Trees present a different but equally significant risk. A tree may appear healthy while having internal decay, root problems, structural defects, weak branch unions, or dead limbs capable of causing serious injury or property damage.

Tree Inspection Should Consider:

- Dead or dying limbs.
- Hanging or broken branches.
- Trunk decay or cavities.

- Root damage or instability.
- Significant lean.
- Disease or infestation.
- Structural defects.
- Branch clearance over sidewalks and streets.
- Trees adjacent to schools, parks, and public gathering areas.
- Interference with traffic signals, signs, or lighting; and
- Previous complaints or history of failure.

Risk-Based Inspection Frequency

California law does not establish one universal inspection frequency for every municipal tree. Cities should establish a risk-based schedule considering:

- Tree species, age, and size.
- Location and surrounding use.
- Pedestrian and vehicle traffic.
- Condition and history.
- Proximity to buildings and utilities.
- Weather exposure; and
- Previous inspection findings.

High-risk trees located over heavily traveled sidewalks or streets should receive more frequent inspections than low-risk trees in areas with limited public exposure.

Documentation Is Critical

An inspection program is only as defensible as the records supporting it.

Inspection records should include:

Inspection Item	Recommended Documentation
Date	Date and time of inspection.
Location	Address, GIS location, or asset number
Inspector	Name and department
Condition	Description of observed defect.
Risk Level	Immediate, significant, or routine.
Photographs	Photos of condition and surrounding area
Action	Repair, removal, barricade, notice, or monitoring
Responsible Party	City or property owner, when applicable
Follow-Up	Date and result of follow-up inspection
Completion	Date corrective action was completed.

A record stating simply "inspected—OK" provides substantially less information than a documented inspection showing what was examined and why the condition was considered acceptable.

Risk-Based Corrective Action

Not every defect requires immediate permanent repair. Government Code § 835.4 recognizes that the reasonableness of a public entity's actions may be evaluated in light of the probability and seriousness of injury, the practicability and cost of corrective action, and other relevant circumstances.

Priority 1 – Immediate Hazard

Examples include:

- Severe sidewalk displacement.
- Open holes or collapsed pavement.
- A tree or limb presenting an imminent hazard.

Action: Immediately protect the public, barricade or close the area when necessary, and correct the condition as soon as practicable.

Priority 2 – Significant Hazard

Examples include:

- Significant trip hazards.
- Substantial root uplift.
- Structurally compromised trees.

Action: Schedule prompt corrective action and document interim protection.

Priority 3 – Routine Maintenance

Examples include:

- Minor cracks.
- Minor root intrusion.
- Routine pruning.

Action: Address through the normal maintenance program and monitor for deterioration.

Integrate Sidewalk And Tree Inspections

Sidewalk and tree programs should not operate independently.

Tree roots are a common cause of sidewalk displacement, while damaged sidewalks may indicate root or tree-related problems.

When inspecting sidewalks, employees should look for tree-related hazards.

When inspecting trees, employees should evaluate the adjacent:

- Sidewalk.
- Parkway.
- Curb.
- Street; and
- Pedestrian route.

An integrated inspection program provides a more complete assessment of the city's potential exposure.

Bottom Line

A city does not need to inspect every sidewalk and tree every day. It does, however, need to be able to demonstrate that it has a reasonable system for identifying, evaluating, documenting, and correcting hazards.

A strong program provides three important benefits:

1. Public Safety

Hazards are identified and corrected before someone is injured.

2. Loss Control

The city can prioritize limited maintenance resources toward the highest-risk conditions.

3. Liability Defense

Inspection and maintenance records provide evidence that the city exercised reasonable care and maintained a reasonably adequate inspection system.

Five Questions Every City Should Ask

1. Do we have a written sidewalk inspection program?

2. Do we have a written public-tree inspection program?

3. Can we document when a particular sidewalk or tree was last inspected?

4. Do we have a risk-based process for prioritizing corrective action?

5. Can we demonstrate that our written inspection program is actually being followed?

If the answer to any of these questions is no, the city should consider developing or strengthening its inspection program.

A documented inspection program is not merely a maintenance tool—it is a critical risk-management control that can protect the public, improve maintenance planning, and provide important evidence of reasonable care.

Under Government Code § 835.2, the adequacy of the city's inspection system may become relevant when determining whether the city had constructive notice of a dangerous condition.

Accordingly:

- No inspection system = greater uncertainty.
- Inconsistent inspections = greater liability exposure.
- Documented inspections + documented corrective action = stronger evidence of due care.
- The objective of a sidewalk and tree inspection program is not simply to find defects.

The objective is to:

- Identify hazards before someone is injured.
- Prioritize hazards based upon risk.
- Take reasonable protective measures.
- Correct conditions within an appropriate timeframe.
- Document the city's actions; and
- Create a defensible record demonstrating reasonable care.

For California cities, a well-designed sidewalk and tree inspection program should therefore be considered an essential component of the agency's overall premises liability, public works, ADA accessibility, urban forestry, and risk management programs.

Recommended Action

Cities should consider conducting an immediate review of their existing programs and asking five questions:

1. Do we have a written sidewalk inspection policy?

2. Do we have a written public-tree inspection policy?

3. Can we demonstrate when a particular sidewalk or tree was last inspected?

4. Do we have a documented process for prioritizing and correcting identified hazards?

5. Can we produce records showing that our inspection system is actually being followed?

If the answer to any of these questions is "no," the city should consider developing or strengthening its inspection program.

A documented, risk-based sidewalk and tree inspection program is a relatively inexpensive loss-control measure that can simultaneously improve public safety, improve maintenance planning, support ADA compliance, and provide important evidence concerning the city's experience. Refer to the ICRMA web site for additional information.

ICRMA offers a training for city staff on the management, inspection, and evidence collection post a claim. If you are interested, contact Robert May, Director of Loss Control, to schedule a training course.