



## Worcester Telegram & Gazette News

**Lawyers' feast**

**City should send Cost Recovery packing**

Wednesday, August 6, 2008

Gardner city councilors need to slam the brakes on a gimmicky plan to contract with a company that charges at-fault drivers for the cost of handling car accidents.

City officials are considering hiring Cost Recovery Corp. of Dayton, Ohio, to bill auto insurance companies for the cost of police and fire response to accidents. If the insurers refuse to pay, which about half do, Cost Recovery would bill the at-fault driver — if the driver is an out-of-towner.

This plan would rupture a social contract: U.S. citizens should not have to pay a toll to cross municipal lines.

Insurers have opposed Cost Recovery's approach, warning that widespread adoption of it could drive up rates for everyone.

Some Gardner officials assert that only out-of-towners should be billed for public safety assistance because local taxpayers have already paid for such protection. That ignores the fact that much of the city's revenue comes from state aid, financed by all of the citizens of the commonwealth.

Mayor Mark Hawke points out that 60 percent of accidents in the city involve out-of-towners, which is to be expected in a business and social hub such as Gardner. The mayor noted a recent accident involved drivers from Boston and Manchester, N.H. More typically, an accident in the city might involve drivers from Templeton and Gardner. With \$1,000 or so riding on the outcome, who would be deemed at fault?

The complexity of deciding fault in accidents complicates the issue. Many factors contribute to vehicular mishaps, and sometimes a collision is all but unavoidable.

Lawyers could spend years exploring a logical labyrinth like this: If a state trooper pursuing a suspect through Gardner caused an accident, would the state pay? Would an out-of-towner whose vacation home burned because of carelessness be billed? And what about the reverse: Should drivers bill the city if they skid on a patch of ice?

The city's lawyer has expressed doubts that the program can be enforced, noting that it appears to bypass due process.

Several American cities that hired Cost Recovery have reversed course in the face of public outrage, accusations of inflated response costs, and disappointing revenues. Gardner should take its cue from them and end its dalliance with this flawed proposal.