



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



71 *Handwritten initials*

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Bureau of Finance and Contracts
July 1, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

- 1.) In accordance with Governor and Council approval of July 19, 1995, Item #171, the Department of Transportation, Bureau of Finance and Contracts, reports all paid Small Claims in the previous fourth quarter of FY 2013 totaling \$2,290.87 for individual amounts less than \$600.00 submitted under the provisions of RSA 228:29.
- 2.) The Department further requests approval of Governor and Council to pay small claims for the next Fiscal Year first quarter, July 1, 2013 through September 30, 2013. 100% Highway Funds.

Funding is available as follows:	<u>Appropriation FY2014</u>	<u>Paid to date</u>	<u>Balance Remaining</u>
04-96-96-960215-3001 Division of Finance 068-500563 Remuneration	\$4,000.00	\$0.00	\$4,000.00

EXPLANATION

RSA 228:29, authorizes the Commissioner to use funds accruing to the Department of Transportation for the payment of small claims occasioned by accidents due to the activities of the Department of Transportation. Any person claiming damage due to the activities of the Department of Transportation may seek payment of the small claim if the amount is less than \$600.00. If, upon investigation, the small claim is valid, the Commissioner shall submit the recommendation for payment to the Governor and Council for approval.

To improve efficiency in processing these small claims, and to be more responsive to those claimants awaiting payment for a small claim, the Department of Transportation initiated a blanket approval process at the beginning of Fiscal Year 1996. The revised process was approved by Governor and Council on July 19, 1995 as Item #171. The process requires the Department of Transportation to seek approval from the Governor and Council prior to each Fiscal Year quarter and submit the claims paid in the previous quarter.

A review of claims approved for payment during the fourth quarter of Fiscal Year 2013, to date, indicates that seven claims were paid.

Claimant: Mike Hern Amount: \$342.95

Mr. Hern's vehicle was damaged while traveling on Sugar Hill Road in Easton, New Hampshire on November 06, 2012, when his vehicle passed over a section of roadway that had the pavement removed across the entire road width. Mr. Hern's vehicle sustained damage to the tire and hub cap causing the vehicle to need a wheel alignment. The Department originally denied Mr. Hern's claim but the Transportation Appeals Board overturned the ruling (based on improper warning signs and the thickness of the cut) of the DOT and awarded the total amount for requested damages be paid.

Claimant: Safelite Fulfillment, Inc Amount: \$181.62

A damage claim was submitted by Scott Fewless who suffered windshield damage to his vehicle from snow falling off a maintenance shed on January 7, 2013. Mr. Fewless went to the State vendor, Safelite Fulfillment and got his repair complete and the vendor billed the Department of Transportation. Although this claim did not follow proper claims procedure, the Bureau of Turnpikes conducted an investigation and agreed to reimburse the vendor.

Claimant: Lori Bresnahan Amount: \$388.00

Ms. Bresnahan's vehicle was damaged while traveling southbound on Interstate 93 just before the Hooksett Toll Plaza on April 21, 2013, when her car hit a pothole in the road. Ms. Bresnahan's vehicle sustained driver's side front tire damage. The Department's investigation concluded the Department was obligated to pay damages.

Claimant: Jack Baltz Amount: \$400.30

Mr. Baltz's vehicle was damaged while traveling on Route 16 through North Conway in August 2012, when he came upon a New Hampshire Bridge Maintenance Operation. It included a large tank truck with a sprayer and the employees were washing the metal railing of the bridge. Mr. Baltz's vehicle sustained damage to the hood and roof from the spraying operation Bridge Maintenance was conducting. The Department originally denied Mr. Baltz's claim, but the Transportation Appeals Board overturned the ruling of the DOT and (based on the damage to his car) awarded the total amount for requested damages be paid.

Claimant: Amanda Bombara Amount: \$599.00

Ms. Bombara's vehicle was damaged on May 08, 2013 while she was traveling on Route 3 north heading toward Interstate 293 S/NH 101 E (Raymond Wieczorek Drive) between the towns of Bedford and Manchester, New Hampshire when fresh white paint splashed from the dotted lines. Ms. Bombara's claim was originally submitted with two estimates over the \$600.00 limit, but she wrote asking to drop her claim to \$599.00 so the claim would be investigated internally and she would not have to file with the Board of Claims. The Department's pavement marking crew was applying paint on the day in question occurred rain during the operation.

Claimant: Diane Hatch

Amount: \$235.00

Ms. Hatch's vehicle was damaged while she was traveling onto I-93 (Everett Turnpike) via the new bridge in Litchfield, New Hampshire (Raymond Wieczorek Drive) on May 08, 2013 when she passed through the freshly painted white lines. The Department's pavement marking crew was applying paint on the day in question and encountered rain during the operation.

Claimant: Valerie Jackson


Amount: \$144.00

Ms. Jackson works at the NH Department of Transportation Hooksett Toll Plaza and due to the new Open road tolling, employees are required to use the tunnel to access the booths on the south side of the plaza. The plaza tunnel is under construction and all employees using the tunnel must wear a hard hat. Ms. Jackson's glasses got caught in the hat hard strap, snapping them at the frame. Lens Crafters told Ms. Jackson her glasses were not repairable. The Department's investigation concluded that because the damages to Ms. Jackson's glasses were caused by personnel protective equipment that employees must wear, the claim would be approved. The Department reimbursed Ms. Jackson 50% of the original cost of the glasses.

A summary of the action taken on all claims for Fiscal Year 2014 are on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink that reads "C. D. Clement" with a stylized flourish at the end.

Christopher D. Clement, Sr.
Commissioner

CDC/drp

