



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

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

Bureau of Finance & Contracts
October 6, 2014

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 first quarter of FY 2015 totaling \$3,796.28 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 quarter, October 1, 2014 through December 31, 2014. 100% Highway Funds.

Table with 4 columns: Funding is available as follows, Appropriation FY 2015, Paid to date, Balance Remaining. Row 1: 04-96-96-960215-3001 Division of Finance 068-500563 Remuneration, \$8,000.00, \$3,796.28, \$4,203.72

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 first quarter of Fiscal Year 2015, to date, indicates that twelve (12) claims were paid.

Claimant: Paula Gagnon

Amount: \$229.78

Ms. Gagnon's vehicle was damaged while exiting the Sutton Rest Area, traveling south on Interstate 89 in Sutton, New Hampshire on April 13, 2014. Ms. Gagnon's vehicle struck a pothole and damaged both passengers' side tires. While the pothole was seen and reported by a State Trooper several days earlier, due to an oversight, the insufficiency remained unknown to NHDOT District 5.

Claimant: Michael O'Gara

Amount: \$250.00

Mr. O'Gara's vehicle was damaged on NH Route 16 in Dover, New Hampshire on May 19, 2014 when he encountered the freshly painted yellow centerline road paint. The Department's pavement marking crew was painting NH Route 16 on the day in question and encountered a rainstorm causing the centerline to wash out. The photo submitted with the claim shows that the damage was caused by a rain event and not from driving on freshly painted lines.

Claimant: Francis W. Faulkner, Jr.

Amount: \$140.00

Mr. Faulkner's vehicle was damaged on NH Route 32 in Swanzey, New Hampshire on May 22, 2014 when he encountered a freshly painted white edge line. The Department's pavement marking crew was striping NH Route 32 on the day in question and encountered a rainstorm causing the white edge line to wash out. The photo submitted with the claim shows that the damage was caused by a rain event and not from driving on freshly painted lines.

Claimant: Anthony Labounty

Amount: \$303.00

Mr. Labounty works for the NH Department of Transportation, Bureau of Mechanical Services as a Heavy Equipment Mechanic. On May 30, 2014, Mr. Labounty was at work and a pry bar struck him in the face causing his eyeglasses to break. An Accident Investigation Form was completed and submitted to the Office of Safety and Compliance on June 2, 2014. Through the investigation process, the Department found Mr. Labounty did break his prescription glasses while performing duties associated with his current job position.

Claimant: Joshua Hicks II

Amount: \$175.00

Mr. Hicks works for the NH Department of Transportation, Bureau of Highway Design as a Survey Team Tech. IV. One June 24, 2014, Mr. Hicks was surveying on NH Route 101A and stepped into a hole filled with water. Mr. Hicks' personal cell phone was in his pocket and was damaged. The area the survey crew was surveying was a dry field and there were no signs or expectation that the area was wet. Mr. Hicks came upon a very small area where the ground was wet and did not anticipate there was a water filled hole several feet deep. Through investigation, the Bureau of Highway Design found Mr. Hicks followed standard practice for the conditions.

Claimant: Marcelle Richard

Amount: \$292.00

Mr. Richard's vehicle was damaged while traveling northbound on NH Route 114 in Henniker, New Hampshire on June 9, 2014. Mr. Richard approached a state crew that was cutting tree stubs that remained on the side slopes of NH Route 114. During the tree cutting operation, jagged ends of the tree trunk split into multiple pieces and were projected into the roadway damaging Mr. Richard's windshield.

Claimant: Douglas Barnett

Amount: \$179.00

Mr. Barnett's vehicle was damaged on South Main Street in Brookline, New Hampshire on June 30, 2014 when he encountered a roadway leveling operation in preparation of an overlay. A 3/8-inch size stone was inadvertently kicked up and projected towards Mr. Barnett's vehicle, resulting in damage to his car window.

Claimant: Robert Snyder

Amount: \$450.00

Mr. Snyder's vehicle was damaged on NH Route 112 in Conway, New Hampshire on July 7, 2014 when he encountered the freshly painted yellow centerline. The Department's pavement marking crew was painting NH Route 112 on the day in question and encountered a rainstorm causing the centerline to wash out. The photos submitted with the claim show that the damage was caused by a rain event and not from driving on freshly painted lines.

Claimant: Ben Mills

Amount: \$360.00

Mr. Mills' vehicle was damaged on NH Route 112 in Conway, New Hampshire on July 7, 2014 when he encountered the freshly painted yellow centerline. The Department's pavement marking crew was painting NH Route 112 on the day in question and encountered a rainstorm causing the centerline to wash out. The photos submitted with the claim show that the damage was caused by a rain event and not from driving on freshly painted lines.

Claimant: John Dean

Amount: \$360.00

Mr. Dean's vehicle was damaged on NH Route 112 in Conway, New Hampshire on July 7, 2014 when he encountered the freshly painted yellow centerline. The Department's pavement marking crew was painting NH Route 112 on the day in question and encountered a rainstorm causing the centerline to wash out. The photos submitted with the claim show that the damage was caused by a rain event and not from driving on freshly painted lines.

Claimant: Roger Dingey

Amount: \$540.00

Mr. Dingey's vehicle was damaged on NH Route 112 in Conway, New Hampshire on July 7, 2014 when he encountered the freshly painted yellow centerline. The Department's pavement marking crew was painting NH Route 112 on the day in question and encountered a rainstorm causing the centerline to wash out. The photos submitted with the claim show that the damage was caused by a rain event and not from driving on freshly painted lines.

Claimant: Raymond Waterhouse

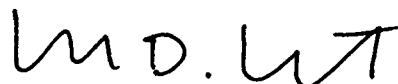
Amount: \$517.50

Mr. Waterhouse's vehicle was damaged on NH Route 112 in Conway, New Hampshire on July 7, 2014 when he encountered the freshly painted yellow centerline. The Department's pavement marking crew was painting NH Route 112 on the day in question and encountered a rainstorm causing the centerline to wash out. The photos submitted with the claim show that the damage was caused by a rain event and not from driving on freshly painted lines.

A summary of the action taken on all claims for Fiscal Year 2015 is on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,



Christopher D. Clement, Sr.
Commissioner

CDC/drp