

CONSTRUCTION PROCEDURES HANDBOOK

SECTION VI	SUBSECTION I	DATE
CONSTRUCTION OPERATIONS	TORT CLAIMS	11/08/2017

Preface

A tort is a civil wrong or breach of duty to a person or property for which damages may be claimed as compensation. A tort claim is different from contractual claims made by the Contractor. Contractual claims are to be handled in accordance with the Claims and Contractual Notice procedure as per Subsection 107.12. (See [CPH Section IV-C](#))

Note: The terms “CLAIM” and “NOTICE OF CLAIMS” are reserved for written requests on Department of Treasury Forms filed with the Department of Treasury. They have special significance under the New Jersey Tort Claims Act (Title 59, Chapter 1, et seq.) and improper use of the term may prejudice later defenses if a claim is actually filed. Verbal and written communication of a tort other than on the specific forms are to be referred to as a tort inquiry.

Note: The Contractor and the Contractor’s insurance is responsible for all tort claims within the limits of a project from the actual start date until the date of Acceptance regardless of cause, with the exception of Tort claims for accidents associated with snow or ice.

Tort Inquiries

1. Direct Inquiries to the RE

If an inquiry comes directly from an individual, the RE will determine if the incident occurred within the limits of the Construction project.

If the alleged incident occurred within the project limits, the RE will provide the individual with the name of the Contractor and the Contractor’s telephone number. The individual will be informed that if the inquiry is not resolved to their satisfaction, they should again contact the RE. However, the RE can only offer assistance in soliciting a prompt response from the Contractor, and should make it clear that the State is not in a position to judge the merits of the inquiry. The individual is to be advised that they may protect their rights by filing a claim through the Department of Treasury, Tort and Contract Unit at:

Tort and Contract Unit
New Jersey Department of Treasury
Bureau of Risk Management
P. O. Box 620
Trenton, NJ 08625-0620
Phone (609) 292-4347

When referring someone to the Department of Treasury, Tort and Contract Unit they should be instructed that their written request indicate as specific a location as possible, the name of Construction project and the name of the Contractor (if applicable). Also the milepost and /or intersecting street should also be provided.

If it was alleged that there were road deficiencies, and verified by the RE, the RE will immediately direct the Contractor to perform any necessary road maintenance (e.g., repair pot holes, maintain traffic control devices).

2. Inquiries to the Regional Construction Office

The Regional Construction Engineer (RCE) will assign someone (Regional Tort Claims Coordinator) to coordinate tort inquiry investigations and responses.

The Regional Tort Claims Coordinator will refer all inquiries to the appropriate RE based on information provided by the inquirer. It is possible that the RE may not be in Construction and Materials as other units within the NJDOT administer Contracts.

If the Regional Coordinator cannot determine if the issue occurred on a NJDOT project, the inquirer is to be told this and given the option to file a claim directly to

Tort and Contract Unit
New Jersey Department of Treasury
Bureau of Risk Management
P. O. Box 620
Trenton, NJ 08625-0620

3. Written Tort Inquires

Written communication received from other than the Department of Treasury (or their third party claims administrators) inquiring about a tort against the Department or any of the Department's employees, regardless of the form submitted, shall be referred to the

Department of Treasury, Tort and Contract Unit.
Tort and Contract Unit
New Jersey Department of Treasury
Bureau of Risk Management
P. O. Box 620
Trenton, NJ 08625-0620

Tort Claims

1 Tort Claims Forwarded from Tort and Contract Unit

The RCE will assign someone (Regional Tort Claims Coordinator) to coordinate tort claim investigations and responses.

The Department of Treasury, Tort and Contract Unit or the Department of Treasury's third party claims administrators may send a letter requesting an investigation of a tort claim.

The Regional Tort Claims Coordinator will investigate and identify any claims for which the tort occurred within the limits of a Construction project, and forward applicable claims to the RE. (See Attachment "A")

The RE will respond directly to the requesting agency, confirming that the tort occurred within the limits of the Construction project. (See Attachment B) The RE will also provide a copy of the Contract and a copy of the Insurance Certificate, Form DC-175, applicable for the date in question. (Refer to CPH Section III-D) A copy of the response will be forwarded to the Regional Tort Claims Coordinator.

If a claim cannot be identified because of incomplete information, the Regional Tort Claims Coordinator will respond to the requesting agency accordingly. (See Attachment "C")

NOTE: Tort claims may be associated with projects administered by Operations.

If a claim identified as not being associated with a Construction project administered by the Region, the Regional Tort Claims Coordinator will respond to the agency accordingly and forward the letter to the Regional Maintenance Engineer. (See Attachment "D")

The Regional Tort Claims Coordinator will maintain a log noting the disposition of all tort claims and responses. (See Attachment "E") Responses to the requesting agency will be made within 15 days from their initial receipt by the Regional Office.

ATTACHMENT "A"

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
MEMORANDUM**

To: Lewis Morris
RE

From: Garret Wall
Regional Tort Claims Coordinator

Date: April 15, 2017

Phone: (201)648-3037

Subject: Tort Claim Investigation

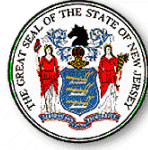
Review the attached tort claim, and if the accident was within the limits of your project, respond directly to the requesting party. Attach a copy of the Contract Face Sheet and a copy of the Insurance Certificate for the project along with your response. Send a copy of your request to:

Tort and Contract Unit
New Jersey Department of Treasury
Bureau of Risk Management
P. O. Box 620
Trenton, NJ 08625-0620

If the accident was not within the limits of your project, respond directly to the Tort and Contract Unit. If you can identify a possible alternative project or responsible party, it is requested that you inform the Tort and Contract Unit of this information for further investigation.

Be reminded that the Contractor's insurance is required until Contract Acceptance, not contract completion.

c: file



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
TRENTON, NJ 08625-0600

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CHRIS CHRISTIE
GOVERNOR
KIM GUADAGNO
LT. GOVERNOR

RICHARD T. HAMMER
COMMISSIONER

ATTACHMENT "B"

April 15, 2006

Scibal Associates, Inc.
Casualty Claims Administrators
PO Box 500
Somers Point, NJ 08244

Attn: Fred Piccari

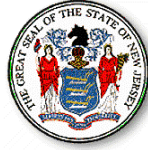
Re:File No.: 189-007-P14445-421
Claimant: Leopold Bloom
D/A 10/13/05
Location: Rt. 1 South, Lyrecrompagne
Project: Rt. 1&9 Section 1A
Federal Project No. M-OOOS(000)

Dear Mr. Piccari:

The subject claim is within the limits of the Rt. 1&9 Sec. 1A project. The Contractor is Prime Contractor Co, Inc. 101 Generic Road, Urban City, NJ 07000. A copy of the Contract Face Sheet and the Insurance Certificate are provided herewith.

Sincerely,

Lewis Morris
RE
c: RCE
Field Manager
Regional Tort Claims Coordinator
File



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
TRENTON, NJ 08625-0600

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CHRIS CHRISTIE
GOVERNOR
KIM GUADAGNO
LT. GOVERNOR

RICHARD T. HAMMER
COMMISSIONER

ATTACHMENT "C"

April 15, 2006

Scibal Associates, Inc.
Casualty Claims Administrators
PO Box 500
Somers Point, NJ 08244

Attn: Fred Piccari

Re:File No.: 189-007-P14445-421
Claimant: Leopold Bloom
D/A 10/13/05
Location: Rt. 1 South

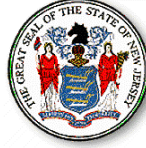
Dear Mr. Piccari:

The subject claim can not be identified as being within the limits of any construction project, because the noted location is not specific enough.

Sincerely,

Garrett Wall
Regional Tort Claims Coordinator

c: file



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
TRENTON, NJ 08625-0600

CHRIS CHRISTIE
GOVERNOR
KIM GUADAGNO
LT. GOVERNOR

RICHARD T. HAMMER
COMMISSIONER

ATTACHMENT "D"

April 15, 2006

Scibal Associates, Inc.
Casualty Claims Administrators
PO Box 500
Somers Point, NJ 08244

Attn: Fred Piccari

Re:File No.: 189-007-P14445-421
Claimant: Leopold Bloom
D/A 10/13/05
Location: Rt. 1 South, Lyrecrompaigne

Dear Mr. Piccari:

The subject claim is not within the limits of any contracts administered by Region West Construction on the date noted. By copy of this memorandum, this claim is being forwarded to Mr. Edward Angel, Regional Maintenance Engineer, Region West for investigation.

Sincerely,

Garrett Wall
Regional Tort Claims Coordinator

c: Edward Angel - Regional Maintenance Engineer
file

ATTACHMENT "E"

File No.	Claimant	Date of Accident	Location	Date of Request	Remarks	Response
180-006-P14550-421 170-456-P11458-421 180-897-P54367-421	Leopold Bloom Carol Bloom T. Rho	10/13/95 2/15/97 11/16/96	Rt. 1 & 9, Lyrecrompagne Rt. 80 W, Fort Lee Rt. 287	4/8/06 4/9/06 4/9/06	within limits of Rt. 1&9, Sec 1A no project - forwarded to Maintenance unidentifiable - location nonspecific	4/15/06 4/16/06 4/16/06