

CONSTRUCTION PROCEDURES HANDBOOK

SECTION VI	SUBSECTION E	DATE
CONSTRUCTION OPERATIONS	DAMAGE BY A PUBLIC TRAFFIC ACCIDENT	01/30/2018

Any part of the Work, which is damaged prior to Acceptance, is the responsibility of the Contractor. The Contractor bears the risk of loss or damage for permanent or temporary construction arising from acts or omissions whether negligent or not, except for work that has been completed and is serving its intended function and is damaged by a traffic accident and the Contractor provides satisfactory evidence that such damage was caused by a public traffic accident as per Section 107.11 of the Standard Specifications. Satisfactory evidence is generally limited to:

- accident reports filed with the Motor Vehicle Commission, Police Agencies or Insurance Companies
- statements by reliable, unbiased eye witnesses
- identification of the vehicle involved in the accident

Physical evidence that the damage was caused by a motor vehicle (e.g. tire marks or broken headlight glass) will not be sufficient unless it can be clearly shown that the damage was not caused by the Contractor's vehicles or by vandalism.

If the conditions noted in 107.11 are met, payment for repairs will be made on a Force Account basis. Change Orders for this will include the following in addition to the usual requirements for a Force Account Change Order:

1. A statement noting that damage was caused by an accident, explaining in detail what was damaged.
2. If a Police report is available: a statement noting the date of the accident, and citation of the Police Report noting the report no. and the name of the Police Dept. issuing the report (A copy of the police report will be attached to the Regional Work copy of the Change Order.) The RE will also write a memorandum to the Bureau of Maintenance Engineering with a copy to the Maintenance Claims Unit, informing them of the date the accident occurred and the cost of the repair. A copy of the Change Order and a copy of the accident report are to be attached to the memorandum.
3. When a Police Report is not available: a statement noting how the party responsible is identified or a statement that no police report is on file.
4. Reference to Design authority approval for any changes in design (Design should be contacted prior to the repair of existing facilities, as any repairs should be done in accordance with the latest design standard. Design need not be contacted for repair of new work).
5. A copy of the memorandum advising the Bureau of Maintenance Engineering will be attached to the Regional Work Copy of the Change Order.

NOTE: Such work is federally non-participating