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Development of a Preliminary Tort Liability Database System

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DEVELOPMENT OF A PRELIMINARY TORT LIABILITY DATABASE SYSTEM

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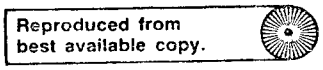

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ABSTRACT

Increasing awards against the Department cover a wide range of contributing elements to settlements for alleged damages. Recognizing the need to know more about these claims, an investigation was undertaken, with the results reported here. The objectives were 1) to establish a system to categorize claims, 2) to classify the elements involved in them, 3) to identify legal concepts cited in resulting decisions, and 4) to identify particular high-risk areas. Although circumstances dictated early termination of the study, the first two goals were accomplished. A database was developed to assign claims to specific categories, which classifies the Department's functions, highway features, and operational elements involved. A user-friendly data management system was organized for tort liability categories and is appended.

CONTENTS

I. INTRODUCTION

A. Background

From 1953 through 1984, the New York State Department of Transportation and its predecessor the Department of Public Works disposed of 3092 claims at a cost of $52 million. Included were 655 claims totaling almost $27 million in the period from 1980 through 1984 alone. Claims from these 5 years thus represented almost 52 percent of the monies awarded during the entire 31-year period (1953-1984), even though they amounted to only 21 percent of the cases settled during those years.

They frequently cited a wide range of highway elements and Department functions as contributing causes to the severity of alleged damages in order to establish the broadest possible basis for the claim. Recognition of the need to know more information about tort liability claims, before Department managers could assess and manage risks involved in various operations and procedures, led to development of this project. It was designed with four specific objectives:

1. To establish a system to categorize tort liability claims,

2. To classify Department functions, highway features, and operational elements involved in these claims,

3. To identify pertinent legal concepts cited in the resulting decisions, and

4. To identify areas of high-liability risk where strategies could be developed to minimize those risks.

Because of "down-sizing" of the Engineering Research and Development Bureau in 1989, only part of this study was completed before those involved were transferred to other Department units. This report documents the work accomplished.

B. Other Studies

Tort liability problem areas in claims against the Department have never been studied intensively. The Department's Traffic and Safety Division had set up a general review that categorized claims by broad functional areas, but did not identify specific features or practices involved, nor categorize the legal principles involved in decisions or settlements.

National Cooperative Highway Research Program Synthesis of Highway Practice 106 (1) presents practical guidelines for minimizing tort liability. Selected Studies in Highway Law (2), published by the Transportation Research Board, gives a consensus of selected cases dealing with liability and legal implications involving highway functions and elements throughout the country. Although broad areas of responsibility and possible areas of concern are presented, these studies did not go into the depth of analysis needed to locate exact problem areas. The Pennsylvania Department of Transportation conducted an in-depth investigation of tort claims in that state, with results used to develop specific steps to reduce liability exposure (3). That study indicated that in-depth investigation of New York's tort claims might yield similar results. Although past claims against the Department contained a wealth of information relating these factors to areas of risk, no analytical procedure existed to extract it.

II. METHODOLOGY

The work accomplished in this study addressed its first two objectives--means for classifying tort claims and a data management system were developed.

A. Tort Liability Data Requirements

Past claim cases were reviewed to determine information necessary to construct a useful and meaningful database. This led to development of three distinct categories of data that were needed:

1. Claim Information: This includes such subjects as claimant information, Department of Motor Vehicles (DMV) case numbers, locations, roadway functional classification, and occurrence type,

2. Physical Features: This includes such items as alleged physical features, alleged defects, alleged state liability, functional activity, and agency functions,

3. Disposition and Areas of State Liability: This includes such information as items like type of disposition, reason for disposition, the presiding judge, Department of Law number, expert engineering, alcohol involvement, awards, and settlements.

These three categories resulted in creation of 117 different specific pieces of information to be sought for each tort liability claim.

The tort claim data were primarily collected from files in the Main Office Claims Unit, containing most case-related information, including claim amounts, court decisions, and awarded amounts.

In addition, outside sources were sometimes used to obtain site-related information. In particular, Department of Motor Vehicle accident reports were obtained through the Traffic and Safety Division. These reports provided important site-related data including pavement condition, daylight present, alcohol involvement, and other vital information.

Another significant source of data was the NYSDOT Highway Sufficiency Ratings. This manual provided mile-post-markers for incident location, region/county codes, pavement types, and highway functional classification.

B. Data Management Software

At the start, it was determined that a variety of software packages were commercially available that could handle tort liability data. Some initial packages included Lotus 123, dBase 3+, and SuperCalc 5.

Although all have distinctive properties separating them from one another, each was evaluated for its data management capabilities, user-friendliness, and compatibility with other data management software.

It was determined that SuperCalc 5, a spreadsheet data analysis package, allowed easy data entry and data management, as well as being readily compatible with both Lotus 123 and dBase 3+. The system selected has a very simple data manager -- Lotus 123 is nearly identical -- which can be easily set up and manipulated. SuperCalc provided easy-to-understand instructions and was user-friendly. The spreadsheet format allowed easy data entry and retrieval, and was capable of selective output printing. Because SuperCalc was directly compatible with Lotus 123 and dBase 3+ -- using import and export commands -- the database could be easily converted to suit any available software.

Data codes for entering all tort liability claims information, as well as brief descriptions and explanations of certain difficult codes can be found in the Appendix. The data management system used for analysis of tort liability claims is the standard system found on SuperCalc 5. It is included on the "Setup Spreadsheet" diskette or can be added to the end of the region data files.

The data management system is set up by first using the copy command to copy headings to a blank row at the end of the file, then making another copy of the headings below that. Next, enter the "DATA" section on SuperCalc 5 and declare the first heading row as "INPUT" and the second row as "OUTPUT." It is necessary to define input ranges (usually one row under the input headings is column sufficient) and output ranges (number of rows below the output heading should be declared equal to the number in the data file).

III. DISCUSSION AND FINDINGS

A. Tort Liability Database

The tort liability database that was developed consisted of information from claims in Regions 1 through 5. When work on this study was terminated, data from these regions had been entered into the database. The only information lacking was disposition status. Total claims in the database from each of the five regions were as follows:

NYSDOT Region	Total Claims In Database
1	185
2	63
3	121
4	114
5	105

The tort liability data for each region were on a separate 3.5 in. diskette and could be loaded directly into SuperCalc 4 or 5. These files are also compatible for use on Lotus 123 and dBase 3+.

B. Examples of Data Retrieval

This section briefly discusses some sample data extractions to illustrate use of the system. The database used for these examples was comprised of information from 532 tort liability claims from various regions.

Example 1: Determine the number of claims involving bicyclists and motor vehicles that occurred at intersections.

Procedure and Solution: Enter the following codes under the appropriate columns and extract records using data manager. The number of claims listed on each row represent the number of records containing information specified in the code column. As the number of codes increases, the number of records decreases.

Category	Code	Description	Total of Claims
Occurrence Type	4	Bicyclist/Motor Vehicle	7
Occurrence Site	4	Intersection	5

This indicates that seven of the 532 record database involve claims with bicyclists and motor vehicles and five involved intersections. A sample of other information from the five claims indicates that the total amount claimed is $9,566,357.42. Three claimants are male and two female, and three of the five cases are closed. One of the closed cases resulted in a total settlement for the claimant of $69,600.00, with the state's share 50 percent plus interest of $104.40 making a total state share of $34,904.40. Information in this example represents only a small amount of that available in the database system regarding these five claims.

Example 2: Determine the number of claims involving single vehicle/motorcycle accidents where debris or mud on the pavement was a contributing factor.

Procedure and Solution: Enter the following codes under their appropriate columns in the data manager and extract records. The number of records on each row represents the number of claims with the specified features. As the number of specific features increases, the number of associated claims decreases. A total of five single motorcycle claims exist involving debris or mud as a contributing factor.

Category	Code	Description	Total Claims
Occurrent Type	1	Single Vehicle	188
Claimant Vehicle Type	3	Motorcycle	34
Claimed General Feature	2	Pavement/Shoulders	26
Claimed Specific Feature	1	Pavement	23
Claimed General Compensation	1	Surface	21
Claimed Defect	30	Slippery/Loose Sand and Gravel	5

Additional information on those five claims indicates that total amount claimed is $2,357,209.70. Claimants were all males ranging in age from 19 to 64 years, and two of the five cases were closed with no awarded settlements. Again, this represents only a small portion of the valuable information on the database system regarding these five records.

The database system described requires considerable care when entering data. Data should be entered from sources mentioned in Chapter II (Part A) and information not found should not be assumed and then coded. Data for Regions 1 and 5 presents factual data only. No judgments were made regarding site conditions, alcohol involvement, disposition reasoning, or any other factors. If information was "unknown" a "Ø" was coded; and if the category "Did not apply" to a particular case, a "9" was coded. It is important that this methodology for data entry continue in order to promote a uniform and factual tort liability database.

The example data extractions provided in this document are very simplistic and represent only a small portion of the information available. The extent of information one uses depends entirely on needs of the system user, because as much as desired can be withdrawn. The spreadsheet format and analytical

capabilities of SuperCalc lend themselves well to analyzing data and can be mastered with only minor training on spreadsheet commands.

Based on this completed work, the following findings can be reported:

1. The database system created effectively categorizes tort liability claims in sufficient detail to provide a useful database system.

2. It also classifies Department functions, highway features, and operational elements involved in tort liability claims.

3. The data management system selected -- SuperCalc -- is user-friendly and can effectively extract records using the data codes for the individual tort liability categories. This management system is also completely compatible with most other major data management systems -- dBase, Lotus 123 -- making it readily adaptable for most of the Department's units.

ACKNOWLEDGMENTS

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APPENDIX. DATA CODING PROCEDURE

DATA CODING PROCEDURE

This appendix provides the data codes for entering all tort liability claims as well as brief descriptions and explanations of certain difficult codes. The codes will be presented in order in sections one through three. If information is "Unknown," a "Ø" should be entered, and if the category "Does not apply" to a particular case, a "9" should be recorded.

A. Section 1 -- Claim information (XX) = Column Identification

Record Number (A) - enter record number

Claimant Last Name (B) - enter last name (actual or person, company, town, etc., filing on behalf of)

Claimant First Name (C) - enter first name (see above)

Claim Number (D) - enter claim number from Claims Unit (assigned by Court of Claims)

Occurrence Number (E) - enter occurrence number (assigned by DOT)

DMV Number (F) - enter DMV accident record number

Claim File Date (G) - enter date using SuperCalc Date
Command Example: Date (01,13,89). This is the date the claim is received and recorded by the court.

Claimant Sex (H) - enter M or F (of party involved in occurrence)

Claimant Age (I) - enter age (of party at time of occurrence)

Region County Code (J) - First number is NYSDOT Region and Second number is County. This is taken from Highway Sufficiency Manual - Example 53 = Region 5, County 3 (Erie)

Location of Occurrence (K) - This is a 1 digit code as follows:
1 = state highway
2 = town road
3 = county road
4 = city road
5 = thruway
6 = state property

Location of Incident (L) - This is a 1 digit code as follows:
1 = roadway
2 = R.O.W.
3 = canal
4 = residency
5 = park

Location of Occurrence (N) - This is a 14 digit code which can either be a mile-post-marker identification or a written description.

Functional Classification (O) - This is the functional classification of roadway locations as listed in the Highway Sufficiency Manual as follows:
1 = Principal Arterial Interstate
2 = Principal Arterial Expressway
3 = Principal Arterial Other
4 = Minor Arterial
5 = Collector
6 = Local

Operational Characteristics (P) - Operational Characteristic is taken from Highway Sufficiency Manual and coded as follows:
1 = Urban
2 = Rural

Date of Occurrence (Q) - This is the data of the alleged incident and is coded using the SuperCalc Date command.

Light Condition (S) - This is a 1 digit code representing the light condition at the time of the alleged incident taken from the DMV accident report and coded as follows:
1 = daylight
2 = dawn
3 = dusk
4 = dark/roadway lighted
5 = dark/roadway unlighted

Type of Occurrence (T) - This is a 1 or 2 digit code as follows:
1 = single vehicle
2 = two vehicle
3 = multi-vehicle
4 = bicyclist/motor vehicle
5 = pedestrian
6 = worker
7 = property
8 = bicyclist
11 = pedestrian/motor vehicle
12 = other

Occurrence Site (U) - This is a 1 or 2 digit code as follows:

1 = on road
2 = roadside
3 = elsewhere
4 = intersection
5 = drawbridge
6 = construction site
7 = work site
8 = walkway/sidewalk
11 = ramp
12 = RR crossing

Claimant Vehicle Type (V) - This is a 1 or 2 digit code as follows:

1 = car
2 = van or pick-up
3 = motorcycle
4 = large truck
5 = 3-wheeler/ATV/snowmobile
6 = bicycle
7 = in vehicle/non-collision
8 = pedestrian
11 = construction equipment
12 = non-vehicular
13 = fire truck
14 = boat
15 = school bus

Contributing Factor (W) - This is a 1 or 2 digit code representing the contributing factor to the incident when known and is taken directly from the DMV accident report.

1 = none
2 = alcohol impaired
3 = drugs
4 = fell asleep
5 = illness
6 = unsafe speed
7 = unlicensed operation
8 = pedestrian error/confusion
11 = slippery pavement/walkway
12 = vehicle deficiency
13 = improper maneuver
14 = oversized load
15 = weather (dense fog)

Injury or Damage (X) - This is a 1 digit code taken from the police accident report representing the extent of injury to the claimant as follows:

K = fatal
A = amputation, concussion, internal, severe bleeding, severe burns, fracture, dislocation

B = minor bleeding, minor burn, contusion/bruise/abrasion
C = complaint of pain, no visible injury
P = property
Ø = unknown
N = none filed

Injury or Damage Claimed (Y) - This is a 1 digit code representing the injury as follows:
1 = fatal
2 = permanent or long-term disability
3 = extensive hospital care
4 = minor injury
5 = property

Roadway Character Type (Z) - This is a 1 digit code representing the roadway character type as follows:
1 = highway
2 = intersection
3 = bridge deck
4 = non-roadway
5 = RR crossing
6 = tunnel

Roadway Character Curvature (AA) - This is a 1 or 2 digit code representing the geometric properties of the roadway as follows:
1 = straight and level
2 = straight and grade
3 = straight and hillcrest
4 = curve and level
5 = curve and grade
6 = curve at hillcrest
7 = straight, sag
8 = curve, sag
11 = curve/unknown

Roadway Surface Condition (AB) - This is a 1 or 2 digit code representing the road surface condition as follows:
1 = ice/unknown
2 = debris/mud
3 = dry
4 = wet/unknown
5 = ice/runoff/snow
6 = excess water/runoff
7 = wet/rain
8 = ice/storm
11 = blowing snow
12 = snow storm
13 = oil spill, slush, wet/snowmelt

Highway Status (AC) - This is a 1 or 2 digit code representing the work status of the roadway at the incident location as follows:

1 = non work zone
2 = active construction project
3 = construction workzone
4 = inactive construction project
5 = active maintenance project
6 = maintenance workzone
7 = inactive maintenance project
8 = workzone highway permit
12 = workzone unknown
13 = canal maintenance

Contract "D" Number (AD) - This is the number assigned by the Contracts Bureau to all ongoing construction projects.

Claimant Involvement Position (AE) - This is 1 digit number representing the injured party position in the incident as follows:

1 = driver
2 = passenger
3 = pedestrian
4 = bicyclist
5 = worker
6 = property owner
7 = subrogee

Claimant Involvement Responsible (AF) - This is a 1 digit code representing the claimant's responsibility as follows:

1 = passenger/driver vehicle responsible
2 = innocent bystander/hit by vehicle responsible
3 = personally responsible
4 = owner
5 = insurer

Amount of Claim (AG) - This is the dollar amount being claimed as noted in court file.

Claim Number (AH) - This is a repeat of the Claim number as done in column (D) to help data entry person keep track of current record.

B. Section 2 -- Physical Feature

The physical feature section is organized as a series of codes representing each of the categories listed below. These categories are for Physical Features 1 and 2.

		Columns	
		Feature 1	Feature 2
A.	Claimed General Feature	(AI)	(AW)
B.	Claimed Specific Feature	(AJ)	(AX)

C.	Claimed General Component	(AK)	(AY)
D.	Claimed Specific Component	(AL)	(AZ)
E.	Other Claimed Specific Feature	(AM)	(BA)
F.	Other Claimed General Component	(AN)	(BB)
G.	Other Claimed Specific Component	(AO)	(BC)
H.	Claim Defects	(AP)	(BD)
I.	Claimed Reason for State Liability	(AQ)	(BE)
J.	Claimed Functional Area	(AR)	(BF)
K.	Claimed Functional Activity	(AS)	(BG)
L.	Responsible Office	(AT)	(BH)
M.	Responsible Division	(AU)	(BI)
N.	Responsible Bureau	(AV)	(BJ

The Claimed Physical Features represent areas in the claim that alleged liability by the Department. These categories and specific codes will be discussed starting with the claimed general features and proceeding down the list through claimed defects (Items A-H). Then the sections from functional activity areas through claimed agency function bureau will be discussed. This is necessary because each category is a substructure of the previous category.

The physical feature data is entered by first selecting the most appropriate Claimed General Feature and then selecting the appropriate Claimed Specific Feature. After the claimed general and specific features are selected, a general and specific component are selected, and finally the claimed defect. A unique listing of specific features, general and specific comments, and alleged defects has been compiled for each general feature, and additional items can be added to the listing to accommodate a claim, if needed. Not all listings are currently on the list -- only those that have been encountered in claims coded to date have been added to the list of general and specific components. The same process is followed for the second and subsequent physical features if more than one are included.

1. Claimed General Feature Traffic Control Devices (1).

a. Claimed Specific Feature -- Signals
Claimed General Component -1- Signal Operation
Claimed Specific Component
-1- Red Duration
-2- Clear Interval
-3- Green Both Ways
-4- Walk/Don't Walk
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA

Claimed Defects
-11- None Present
-12- Malfunctioning

-13- Inoperative
-14- Insufficient Roadway Clearance
-15- Misleading
-16- Insufficient Amount
-17- Did Not Follow MUTCD
-18- Insufficient Stop Time
-21- Improperly Marked
-22- Unsafe Workzone
-23- Unsafe For Conditions
-24- Obscured From View
-25- Broken Support

b. Claimed Specific Feature Signs
Claimed General Component
-1- Warning
-2- Speed Limit
-3- Guide
-4- Regulatory
Claimed Specific Component
-1- Curve
-2- U-turn
-3- Should/Under Repair
-4- Roadway
-5- Workzone
-6- Yield
-7- Falling Rock Zone
-8- Slippery Pavement
-11- Flagman Ahead
-12- Stop Ahead
-13- Stop, W/Flashers
-14- Advisory
-15- School Crossing
-16- Wrong or One way
-17- No Passing/Passing
-18- Bump/Rough Road
-19- Steep Grade/Speed
-20- RR Crossing
-21- Accident/Emergency Site
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -1- Traffic Control Devices

c. Claimed Specific Feature Pavement Delineation
Claimed General Component -1- Lane Marking
Claimed Specific Component
-1- Workzone/Temp.
-2- Double Stripe

-3- Shoulders Delin.
-4- Intersections
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -1- Traffic Control Devices

d. Claimed Specific Feature Lighting
Claimed General Component
-1- Intersection
-2- Roadway/Detour
Claimed Specific Component -1- Street Light
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -1- Traffic Control Devices

e. Claimed Specific Feature -5- Traffic Control Plan
Claimed General Component
-1- Flagging
-2- Other
Claimed Specific Component -1- Arrow Boards
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -1- Traffic Control Devices

2. Claimed General Feature Pavement and Shoulders (2)

a. Claimed Specific Feature Pavement
Claimed General Component
-1- Surface
-2- Edge
Claimed Specific Component
-1- Concrete
-2- Asphalt/Overlay
-3- Metal Plate
-4- 18 in. Dropoff
-5- 5-8 in. Dropoff
-6- 1-3 in. Dropoff
-7- 4-5 in. Dropoff
-8- Canal Bridge
-10- Dropoff unknown
-11- RR Crossing
Other Claimed Specific Feature - NA
Other Claimed General Component - NA

Other Claimed Specific Component - NA
Claimed Defects
-11- Slippery/snow accumulation
-12- Pot holes
-13- Dug out slab
-14- Slippery/water accumulation
-15- Debris/non-skid related
-16- Slippery/ice accumulation
-17- Insufficient width
-18- Bump/Rough/Uneven
-21- Shoulder Dropoff
-22- Unsafe/Dangerous Condition
-23- Open Joint
-24- Concrete Chunk
-25- Slippery/Oil accumulation
-26- Shoulder Obstruction
-27- Pavement Depression
-28- Blacktop pile in roadway
-29- Misleading/Confusing
-30- Slippery/Loose sand/gravel

b. Claimed Specific Feature -- Shoulders
Claimed General Component
-1- Surface
-2- U-turn

Claimed Specific Component
-1- Unstable Material
-2- Asphalt
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -2- Pavement and Shoulders

c. Claimed Specific Feature -- Longitudinal Joints
Claimed General Component -1- Surface
Claimed Specific Component -1- Expansion Joint
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of
Claimed General Feature -2- Pavement and Shoulders

d. Claimed Specific Feature -- Edge of Shoulders
Claimed General Component -1- Surface
Claimed Specific Component -1- 18 in Dropoff
Other Claimed Specific Feature - NA
Other Claimed General Component - NA

Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -2- Pavement and Shoulders

3. Claimed General Feature -- Safety Feature (3)
   a. Claimed Specific Feature - Bridge Rail
      Claimed General Component
      -1- Steel
      -2- Aluminum
      -3- BB Culvert
      -4- Concrete
      -5- Obsolete
      -6- Other
      Claimed Specific Component
      -1- Two Rail
      -2- Three Rail
      -3- Four Rail
      -4- W-beam
      -5- Three Beam
      -6- Box Beam
      Other Claimed Specific Feature - NA
      Other Claimed General Component -1- Terminal
      Other Claimed Specific Component
      -1- Texas Twist
      -2- Boxing Glove
      -3- Unburied End

      Claimed Defects
      -11- Unsafe/non-functional
      -12- None Present/Missing
      -13- To Close to roadway
      -14- Hole in fence
      -15- Detached in roadway
      -16- Broken post sticking up
      -17- Parts in roadway
      -18- No transition between bridge and guiderail
      -21- Guiderail height too low
      -22- Guiderail height to high

   b. Claimed Specific Feature Median Barrier
      Claimed General Component
      -1- Concrete/Permanent
      -2- Box beam
      -3- W-beam
      -4- Cable
      -5- Concrete/Temporary
      -6- Post only
      -7- Wood

Claimed Specific Component
-1- Light post
-2- Heavy post
-3- H.P. Block-out
-4- Concrete post
-5- Wood post
-6- 12 in. curb
-7- 16 in. curb
-8- 24 in. curb
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

c. Claimed Specific Feature Roadside Barrier
Claimed General Component
-1- Box beam
-2- W-beam
-3- Cable
-4- Wooden rail
-5- Guide posts
-6- Concrete/Permanent
-7- Concrete/Temporary
-8- Screen/Temporary

Claimed Specific Component
-1- Light post
-2- Heavy post
-3- H.P. Blocked-out
-4- Concrete post
-5- Wooden post
-6- 12 in. curb
-7- 16 in. curb
-8- 24 in. curb
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

d. Claimed Specific Feature Impact Attenuator
Claimed General Component -1- Sandfilled
Claimed Specific Component
-1- FITCH
-2- ENERGITE
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA

Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature Claimed
General Component -2- Waterfilled
Claimed Specific Component
-1- HI-DRO CUSHION
-2- HI-DRO CELL CLUSTER
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature
Claimed General Component -3- Foamfilled
Claimed Specific Component -1- HEX FOAM
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature
Claimed General Component -4- Vehicle Mounted Attenuator
Claimed Specific Component -1- HEX FOAM
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature
Claimed General Component -5- Steel Drum
Claimed Specific Component -1- Texas Barrels
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature
Claimed General Component -6- Concrete
Claimed Specific Component -1- HI-DRI-CELL SANDWICH
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

e. Claimed Specific Feature Sign Post
Claimed General Component -1- Delineator
Claimed Specific Component -1- Steel Post
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

f. Claimed Specific Feature Light Post
Claimed General Component - NA
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

g. Claimed Specific Feature Delin. and Chann. Devices
Claimed General Component
-1- Barricades/Signs
-2- Delineators
-3- Islands
Claimed Specific Component
-1- Temporary/Wood
-2- Permanent
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

h. Claimed Specific Feature Right of Way Control
Claimed General Component -1- Fencing
Claimed Specific Component -1- Chain Link
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

i.

j. Claimed Specific Feature Snow Fence
Claimed General Component - NA
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

k. Claimed Specific Feature - RR Control
Claimed General Component -1 Barricades

Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -3- Safety Feature

4. Claimed General Feature Roadside-(4).
   a. Claimed Specific Feature - Embankments
      Claimed General Component
      -1- Cuts
      -2- Fills
      -3- Ditches
      Claimed Specific Component
      -1- Geoshape
      -2- Dist./Edge of Pav.
      Other Claimed Specific Feature - NA
      Other Claimed General Component - NA
      Other Claimed Specific Component - NA
      Claimed Defects
      -11- Too Close to Roadway
      -12- Failed to protect
      -13- Deteriorated condition
      -14- Hole in sidewalk
      -15- Blocking View
      -16- Defect in Sidewalk
      -17- Broken Condition
      -18- Hole in Fence
      -21- Overflowed its bands
      -22- In the Roadway
      -23- Slippery Sidewalk/Roadway
      -24- Cut Utility Pole
      -25- Broken Guiderail obstructing Walkway
      -26- Failed To Provide/None Present

   b. Claimed Specific Feature-Curbs
      Claimed General Component
      -1- Mountable
      -2- Non-Mountable
      -3- Granite
      -4- Gutter
      Claimed Specific Component
      -1- Median
      -2- Bridge
      -3- Adjacent/Lane
      -4- Adjacent/Shoulder
      Other Claimed Specific Feature - NA
      Other Claimed General Component - NA
      Other Claimed Specific Component - NA

Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

c. Claimed Specific Feature - Fixed Objects

Claimed General Component -1- Utility Poles
Claimed Specific Component
-1- Telephone
-2- Advertising
-3- Power
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

Claimed General Component -2- Vegetation/Rocks
Claimed Specific Component
-1- Tree/Brush
-2- Boulder
-3- Rock Slide/Falling Tree
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of
Claimed General Feature -4- Roadside

Claimed General Component -3- Drainage Feature
Claimed Specific Component
-1- Manhole Cover
-2- Drain Hole/Culvert/Headwall
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

Claimed General Component -4- Bridge/Culvert
Claimed Specific Component
-1- Drawbridge
-2- RR Trestle
-3- Parapets
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

Claimed General Component -5- Bodies of water
Claimed Specific Component
-1- River
-2- Canal
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

Claimed General Component -6- Buildings
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of
Claimed General Feature -4- Roadside
Claimed General Component -7- Sidewalks
Claimed Specific Component
-1- Wood
-2- Concrete
-3- None
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

Claimed General Component -8- Fence
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -4- Roadside

5. Claimed General Feature - Roadway Geometrics (5).
   a. Claimed Specific Feature - Pavement Cross Slope
      Claimed General Component
      -1- Slope
      -2- Slope Change
      Claimed Specific Component - NA
      Other Claimed Specific Feature - NA
      Other Claimed General Component - NA
      Other Claimed Specific Component - NA

      Claimed Defects
      -11- Unsafe Intersection
      -12- Dangerous Curve

-13- Dangerous Roadway
-14- Force water to drain across roadway
-15- Improper Access Control
-16- Insufficient Clear Zone
-17- Narrow Passage
-18- Sight Dist. Limited by Veg.
-21- Controlled Access causing Business loss

b. Claimed Specific Feature - Sight Distance
Claimed General Component
-1- Horizontal
-2- Vertical
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

c. Claimed Specific Feature - Grade
Claimed General Component - NA
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

d. Claimed Specific Feature - Width
Claimed General Component
-1- Lane
-2- Shoulder
-3- Clear Zone
-4- Number of Lanes
Claimed Specific Component -1- 27 ft
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

e. Claimed Specific Feature - Horizontal Curvature
Claimed General Component
-1- Ramp
-2- Roadway
Claimed Specific Component -1- Steep Grade
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA

Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

f. Claimed Specific Feature - Vertical Clearance
Claimed General Component - NA
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

g. Claimed Specific Feature - Intersection
Claimed General Component
-1- On Ramp
-2- 4-Way
-3- U-Turn
-4- 3-Way
-5- T-Type
-6- Y-Type
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

h. Claimed Specific Feature - Median
Claimed General Component - NA
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

k. Claimed Specific Feature - ROW Access
Claimed General Component -1- Enter/Exit
Claimed Specific Component
-1- Parking Lot
-2- ROW Fencing
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects - Same Claimed Defects for all of Claimed General Feature -5- Roadway Geometrics

6. Claimed General Feature - State Equipment (6).
   a. Claimed Specific Feature
      -1- Car
      -2- Small Truck/Van
      -3- Large Truck
      -4- Loader
      -5- Crane
      -6- Snowplow
      -7- Traffic Counter
      -8- Barge
      -11- Gradall
      -12- Sweeper
      -13- Backhoe
      -14- Mower
      -15- Core Rig

   Claimed General Component
      -1- Rubber Hose
      -2- Hill Crest
      -3- Truck Load
   Claimed Specific Component - NA
      Other Claimed Specific Feature - NA
      Other Claimed General Component - NA
      Other Claimed Specific Component - NA
   Claimed Defects
      -11- Parked in Roadway
      -12- Hit by State Vehicle
      -13- Placed in Roadway
      -14- Damaged Utility Pole/Private Property
      -15- Working in Roadway
      -16- Unsafe Operation
      -17- Equipment Improperly Maintained/Equipped/Loaded

7. Claimed General Feature - Drainage (7).
   a. Claimed Specific Feature
      -1- Roadside
      -2- Roadway
      -3- Bridge
   Claimed General Component
      -1- Storm Drain
      -2- Skuppers
      -3- Crown/Slope
      -4- Runoff
      -5- Culvert
   Claimed Specific Component
      -1- Overpass
      -2- Drains to Creek
      Other Claimed Specific Feature - NA
      Other Claimed General Component - NA

Other Claimed Specific Component - NA
Claimed Defects
-11- Clogged
-12- Drained Improperly
-13- Drained into Roadway Below
-14- Overload Creek Capacity
-15- Drain Covers not Secured
-16- Pedestrian/Vehicle Damage

8. Claimed General Feature - State Facility
   a. Claimed Specific Feature
-1- Subway
-2- Residency/Substation
-3- Canal Lock
-4- Canal
Claimed General Component
-1- ROW
-2- Salt Pile
-3- Pier
-4- Temporary Dam
-5- Channel Markers
Claimed Specific Component -1- Runoff/Salt Contamination
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA
Claimed Defects
-11- Unsafe Construction Site
-12- Polluted Drinking Water
-13- Pier/Dock Dangerous Condition
-14- Flooded Private/Adjacent Property
-15- Failed to maintain and Provide Channel Markers

11. Claimed General Feature - Vandalism (11)
   a. Claimed Specific Feature
-1- RR Trestle
-2- Drawbridge
-3- Equipment
-4- State Property
Claimed General Component -1- Controls
Claimed Specific Component - NA
Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA

Claimed Defects
-11- Allowed Access on to Bridge
-12- Allowed Access to Bridge Control Room
-13- Allowed Operational Access
-14- Failed to Control Access to State Property

12. Claimed General Feature - State Jurisdiction (12)

Claimed Specific Feature
- -1- Roadway
- -2- Bridge
- -3- Labor Law
- -4- Permanent Easement

Claimed General Component
- -1- Spill
- -2- Construction
- -3- RR Crossing
- -4- Drainage

Claimed Specific Component
- -1- Oil
- -2- Supervision/Construction/Maintenance
- -3- Stream Bed

Other Claimed Specific Feature - NA
Other Claimed General Component - NA
Other Claimed Specific Component - NA

Claimed Defects
- -11- Did Not Follow Government Laws Governing Clean Ups
- -12- Faulty Inspection Procedure
- -13- Did Not Follow Safety Regulations
- -14- Property Values Decreased
- -15- Removed Gravel From Private Property
- -16- Negligent Act/Damaged Private Property
- -17- Equipment Malfunction

After Claimed Defects, columns are provided - (AQ through AV for the first Physical Feature and BE through BJ for the second Physical Feature) to code the claimed reasons for State liability and the agencies and functions involved.

Claimed Reason for State Liability (AQ) and (BE) - This is a 1 or 2 digit code representing the alleged reason for the State's liability as follows:

1 = Creating and allowing an unsafe condition to exist
2 = Failure to warn of an unsafe condition
3 = Inadequate indications of the presence of a dangerous ramp
4 = Failure to provide adequate lighting
5 = Failure to properly remove snow and ice
6 = Failure to maintain properly
7 = Failure to respond to actual notice
8 = Allowing an unsafe condition to exist
11 = Failure to trim and remove
12 = Failure to provide adequate drainage
13 = Failure to provide adequate protection and safety
14 = Equipment operated in a careless, negligent manner
15 = Improper design of guiderail
16 = Failing to properly manage, control, or operate
17 = Designing an unsafe highway

18 = Failure to follow minimum standards
21 = Designing and constructing highway in an unsafe manner
22 = Failure to grant damage compensation from Environmental Protection Spill Compensation Fund
23 = Failure to protect private property during maintenance
24 = Failure to impose or enforce laws regarding access
25 = Diverted water onto private property
26 = Failure to install or maintain guiderails or other safety features
27 = Failure to properly store salt or piles of mixed sand and salt correctly
28 = Placed misleading or confusing signs, signals, or markings
31 = Failure to maintain property values
32 = Wrongful removal of sand/stone/gravel from private property

Finally, a 5-column listing is provided to identify functional area and activity, as well as DOT Office, Division, and Bureau.

33 = Does not involve Department of Transportation

Descriptions of coding categories are provided for Public Transportation only and the remaining Agency Functions are listed in the same format.

Claimed Functional Area (AR) and (BF)
This is a 1 digit code representing the functional area involved as follows:
1 = Highway
2 = Vehicle
3 = Building
4 = Canals
5 = Non-Highway

Claimed Functional Activity (AS) and (BG)
This is a 1 digit code representing the claimed functional activity as follows:
1 = Planning
2 = Design
3 = Construction
4 = Maintenance
5 = Traffic Control Operation
6 = Vehicle Operation/Travel
7 = Vehicle Operation/Work Task

Responsible Office (AT) and (BH) - This is a 1 digit code representing the DOT office with apparent responsibility.
1 = Public Transportation

Responsible Division (AU) and (BI)
These are codes for Divisions within Public Transportation as follows:
1 = Rail

Responsible Bureau (AV) and (BJ)
These are codes for Bureaus within the Divisions listed above as follows:
1 = Rail Planning
2 = Rail Operations

Responsible Division (AU) and (BI)
2 = Highway, Aviation, Ports

Responsible Bureau (AV) and (BJ)
1 = Aviation

Responsible Division (AU) and (BI)
3 = Planning

Responsible Bureau (AV) and (BJ)
1 = Planning and Research

Responsible Office (AT) and (BH)
2 = Operations

Responsible Division (AU) and (BI)
1 = Highway Maintenance

Responsible Bureau (AV) and (BJ)
1 = Snow/Ice Control
2 = Pavement Maintenance
3 = Shoulder Maintenance
4 = Roadside Maintenance
5 = Drainage
6 = Bridge Maintenance
7 = Traffic Control
8 = Pavement Markings

Responsible Division (AU) and (BI)
2 = Waterways Maintenance
3 = Equipment Management
4 = Traffic and Safety

Responsible Office (AT) and (BH)
3 = Engineering

Responsible Division (AU) and (BI)
1 = Real Estate

Responsible Bureau (AV) and (BJ)
1 = Appraisal
2 = Negotiations
3 = Property Services

Responsible Division (AU) and (BI)
2 = Facilities Design

Responsible Bureau (AV) and (BJ)
1 = Preliminary Plan Review
2 = Final Plan
3 = Design
4 = Landscape Architecture
5 = Mapping

Responsible Division (AU) and (BI)
3 = Construction
4 = Structures Design and Construction

Responsible Bureau (AV) and (BJ)
1 = Bridge Management
2 = Bridge Design

Responsible Division (AU) and (BI)
5 = Technical Services

Responsible Bureau (AV) and (BJ)
1 = Soil Mechanics
2 = Materials
3 = Engineering Research

Claim Number (BK)
Enter Claim Number as previously done in column (D)

The actual Physical Feature Categories are organized in the same manner as the Claimed Physical Features and the codes are the same. Only the column labels are listed below:

		Columns	
		Feature 1	Feature 2
A.	General Feature	(BL)	(CA)
B.	Specific Feature	(BM)	(CB)
C.	General Component	(BN)	(CC)
D.	Specific Component	(BO)	(CD)
E.	Other Specific Feature	(BP)	(CE)
F.	Other General Component	(BQ)	(CF)
G.	Other Specific Component	(BR)	(CG)
H.	Defects	(BS)	(CH)
I.	Reason for State Liability	(BT)	(CI)

J. Legal Principals
1 = Negligence
2 = Misfeasance - Misuse of power
3 = Nonfeasance - Failure to do something that was legally required
4 = Nuisance

5 = Standard of care
6 = Obligation to warn
7 = Responsibility to upgrade facilities
8 = Contributory negligence
11 = Notice
12 = Creating a nuisance

K.	Functional Activity Area	(BV)	(CK)
L.	Functional Activity Function	(BW)	(CL)
M.	Functional Agency Office	(BX)	(CM)
N.	Functional Agency Division	(BY)	(CN)
O.	Functional Agency Bureau	(BZ)	(CO)

Claim Number (CP)
Enter claim number as previously done in column (D)

3. Section 3 - Disposition

Type of Deposition (CQ) - This is a 1 or 2 digit code representing the type of disposition as follows:
0 = Unknown
1 = Dismissed before going to trial
2 = Discontinued
3 = Settled
4 = Decision for the State
5 = Decision against the State
6 = Differed
7 = Open
11 = Decision against the State but settled award

Reason for Disposition (CR) - This is a 1 or 2 digit code representing the reason for the type of disposition as follows:
1 = Merits
2 = Procedure
3 = Failure to prosecute
4 = Still in litigation
5 = Unknown
6 = Settled
7 = Settled due to risk
8 = Settled reason unknown
11 = not State jurisdiction
12 = State counter sued and won

Presiding Judge (CT) - Enter the name of presiding judge involved in the case

Department of Law Number (CU) - Enter the Department of Law record number

Expert Engineering Witness for the Plaintiff (CV) - Enter the name of any expert engineering witnesses for the plaintiff

Expert Engineering Witness for the Defense (CW) - Enter the name of any expert engineering witnesses for the defense

Alcohol Involvement (CX) - This is the 1 digit code representing alcohol's role in the claim as follows:

1 = Mentioned as a contributing factor in decision
2 = Mentioned but not classified as a contributing factor
3 = Not mentioned but possible factor
4 = None involved

Amount Awarded for Punitive Damages (CY) - Enter the dollar amount awarded for punitive damages

Amount Awarded for Wrongful Death (CZ) - Enter the dollar amount awarded for wrongful death

Amount Awarded for Pain and Suffering (DA) - Enter the dollar amount awarded for pain and suffering

Amount Awarded for Loss of Service or Consortium (DB) - Enter the dollar amount awarded for loss of service or consortium

Amount Awarded for Loss of Earnings (DD) - Enter the dollar amount awarded for loss of earnings

Amount Awarded for Medical Expenses (DE) - Enter the dollar amount awarded for medical expenses

Amount Awarded for Property Damage (DF) - Enter the dollar amount awarded for property damage

Total Initial Award (DG) - Enter the total dollar amount of the award

Total Award Percentage State (DH) - Enter State's percentage of the total award

Total Award Amount State Share (DI) - Enter the dollar amount representing the State's share of the awarded amount

Other Liable Parties (DJ) - This is a 1 digit code representing other liable parties as follows:

1 = Claimant
2 = Other government agency
3 = Contractor
4 = Owner/Operator of the vehicle in which the claimant was riding
5 = Other vehicle owner/operator
6 = Property owner
7 = Utilities
8 = None

Total Award Percentage Other (DK) - Enter the percentage of the award presenting some other party

Final Appeal Outcome (DL) - This is a 1 digit code representing the final appeal outcome as follows:

1 = No appeal
2 = Appeal by State failed
3 = Appeal by claimant failed
4 = Decision for the State overturned
5 = Decision against the State overturned
6 = Successful appeal on award amount
7 = Appeal withdrawn
8 = Appeal pending

Total Interest Amount (DM) - Enter the total dollar interest amount

Percent of DOT Liability (DN) - DOT responsible for percentage of the State's liability percentage

Total Monies Paid by the State (DH) - Enter the total monies paid by the State

Date Case Closed (DI) - Enter the date the case was closed using the SuperCalc 5 date command