

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 10-103

Adopting a Damage Claim Recovery Policy

WHEREAS, the Board of Directors is authorized under Chapter 370 of the Texas Transportation Code to adopt rules for the regulation of CTRMA's affairs and the conduct of its business; and

WHEREAS, from time to time, CTRMA property is damaged under circumstances where a third party may be liable to CTRMA for the cost of repairing or replacing the damaged property; and

WHEREAS, the Executive Director has recommended that the Board adopt policies and procedures by which the CTRMA staff acts to recover the full costs of repairing or replacing CTRMA property that is damaged by third-parties who may be responsible for the damage.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors adopts the Damage Claim Recovery Policy attached as Exhibit "A" to this Resolution as a formal policy of the Central Texas Regional Mobility Authority; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to promulgate and adopt administrative rules, regulations, and forms as may be needed or desirable to implement the Damage Claim Recovery Policy, provided those administrative rules and regulations are consistent with that policy.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 8th day of December, 2010.

Submitted and reviewed by:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 10-103
Date Passed: 12/08/10

Exhibit A

Damage Claim Recovery Policy

CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

DAMAGE CLAIM RECOVERY POLICY

I. Purpose.

This Policy sets forth guidelines for management and collection of claims by CTRMA against an individual, company, or organization for damage to a CTRMA transportation project. This Policy is not intended to apply to damage to CTRMA property resulting from the actions of contractors engaged in the construction, maintenance, or repair of CTRMA projects.

II. Definitions.

Accident: A collision, crash, or impact, with or without apparent cause, involving one or more vehicles.

Damage: Loss or harm to a transportation project resulting from an accident or from a deliberate act, including an act of vandalism. Damage does not include wear and tear caused by normal use of a transportation project.

Insurer: An insurance company authorized to write motor vehicle insurance in this state and through which a responsible party had a motor vehicle insurance policy in effect at the time of an accident.

Responsible Party: The owner or operator of a vehicle involved in an accident resulting in damage or the person responsible for a deliberate act resulting in damage to a CTRMA transportation project.

Transportation Project: A turnpike project, passenger or freight rail facility, roadway, pedestrian or bicycle facility, or any other facility or structure included within the definition of "transportation project" set forth in Section 370.003(13), Texas Transportation Code.

Vehicle: A device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks. Includes, without limitation, a passenger car, truck, bus, tractor, trailer, semi-trailer, all-terrain vehicle, recreational vehicle, motorcycle, moped, or bicycle.

III. Collection of Damage Claims.

CTRMA shall seek reimbursement from the responsible party for costs it incurs to repair damage to a transportation project owned or maintained by the CTRMA, including the cost of labor, materials, equipment. Additionally, the CTRMA may seek reimbursement for any internal or external administrative or other costs the Authority necessarily incurs in connection with making repairs to the damage and obtaining reimbursement for those costs.

The Executive Director shall develop and implement procedures for maintaining records of all damage claims and notifying a responsible party and/or the party's insurer, as appropriate, of the existence and nature of damage claim by CTRMA and for recovering the cost of the repairs. A responsible party and the insurer shall be provided with a copy of any police report relating to the accident or damage, a description of the damage, and a summary of the costs incurred or estimates of costs to be incurred for repairing the damage. CTRMA shall provide a process for a responsible party and the insurer to dispute the liability of a responsible party or the existence or amount of a damage claim.

If a responsible party who did not have an insurance policy in effect at the time of an accident fails to pay a claim for damages totaling at least \$1,000.00 within 90 days after notice of a claim is sent to the responsible party by CTRMA, CTRMA may notify the Texas Department of Public Safety and may recommend that the responsible party's driver's license be suspended in accordance with procedures set forth in Subchapter F, Chapter 601, Texas Transportation Code.

For a damage claim that totals at least \$500 against a responsible party who did not have a motor vehicle insurance policy in effect at the time of an accident, CTRMA may enter into a payment plan with the responsible party; provided, however, that payments shall not extend beyond a one year period.

A damage claim of less than \$25,000.00 may be compromised or settled in the best interests of CTRMA with the approval of the Executive Director. A damage claim that equals or exceeds \$25,000.00 may be compromised or settled only with the approval of the Board of Directors.

If CTRMA is unable to collect a damage claim through its internal collection procedures, the claim may be assigned to a collection agency or, with the approval of the Board of Directors, CTRMA may institute a civil action to recover its damages in a court of competent jurisdiction. All efforts by CTRMA to recover costs of repairing damage to CTRMA property shall comply with applicable state and federal laws and regulations governing the collection of debts.