

Tort Judgments and Settlements Pertaining to WSF and non-WSF Operations

Roger Millar

Secretary of Transportation

Kara Larsen

Director, Risk Management & Legal Services Office

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Pursuant to Section 219 of the Washington State Legislature’s budget pertaining to the Washington State Department of Transportation (WSDOT), the following is a summary report of information related to tort judgments and settlements pertaining to the state ferry system (WSF) and nonferry operations of the department for the quarter ending September 30, 2019.

To provide context, there are five general categories of cases. First, there are claims handled and settled by WSDOT per its delegated authority from the Department of Enterprise Services, Office of Risk Management. Second, there are claims and cases tendered to insurance companies wherein contractors hired by WSDOT are required to indemnify the State of Washington for claims related to work on construction projects. Third, there are cases that can be dismissed on motion by a party. Fourth, if a lawsuit cannot be dismissed on motion, an attempt is made to reach an agreed settlement. Finally, there are cases that result in a trial. All of these categories, whether actual litigation or not, may have defense costs relating to them as well as regular payouts. All payments made to litigants are reduced to judgments pursuant to statute codified in RCW 4.92.040 and according to the civil court rule 54(a)(1). A judgment is defined as the final determination of the rights of the parties in an action.

All tort claims received against the state are provided a unique identifying number and are classified by type. Claims are classified as personal property damage, marine vessel property damage, bodily injury, marine crew injury, civil rights, and death. Payments are separated into bodily injury (BI) and property damage (PD). The litigation costs involved in representing WSDOT are recorded as Paid Legal (PL).

The following information is the data required and responsive to Section 219, subsection 2 (a) – (c) and subsection 3 (a) – (c).

Number of Claims by Type

TYPE OF CLAIM	NUMBER BY TYPE	CLAIM TOTALS
WSF claims Opened in FY 20 Q1		18
Bodily Injury	1	
Marine Crew Injury	1	
Marine Terminal Injury	1	
Marine Terminal Property	1	
Marine Vessel Injury	1	
Marine Vessel Property	13	
WSF claims Closed in FY 20 Q1		19
Bodily Injury	0	
Marine Crew Injury	3	
Marine Terminal Injury	1	
Marine Terminal Property	1	
Marine Vessel Injury	2	
Marine Vessel Property	12	

TYPE OF CLAIM	NUMBER BY TYPE	CLAIM TOTALS
Non-WSF claims Opened in FY 20 Q1		333
Bodily Injury	19	
Civil Rights	1	
Death	1	
Personal Injury	4	
Personal Property	308	
Non-WSF claims Closed in FY 20 Q1		357
Bodily Injury	33	
Civil Rights	0	
Death	3	
Personal Injury	4	
Personal Property	317	

Payments

TYPE OF CLAIM	NUMBER BY TYPE	TOTAL	INDEMNITY PAYMENTS	DEFENSE PAYMENTS	PAYMENT TOTALS	AVERAGE PAYOUT PER CLAIM TYPE
WSF		37				
Bodily Injury	0		\$0.00	\$0.00	\$0.00	\$0.00
Civil Rights	3		\$0.00	\$35,926.27	\$35,926.27	\$11,975.42
Marine Crew Injury	16		\$626,000.00	\$178,673.60	\$804,673.60	\$50,292.10
Marine Terminal Injury	4		\$0.00	\$25,992.12	\$25,992.12	\$6,498.03
Marine Terminal Property	1		\$1,497.55	\$0.00	\$1,497.55	\$1,497.55
Marine Vessel Injury	3		\$883.19	\$9,169.58	\$10,052.77	\$3,350.92
Marine Vessel Property	7		\$9,489.79	\$0.00	\$9,489.79	\$1,355.68
Personal Injury	3		\$28,693.04	\$36,990.69	\$65,683.73	\$21,894.58
TOTAL WSF PAYOUT					\$953,315.83	\$25,765.29
Non-WSF		141				
Bodily Injury	55		\$42,718.92	\$518,019.00	\$560,737.92	\$10,195.23
Civil Rights	7		\$22,606.50	\$68,146.90	\$90,753.40	\$12,964.77
Death	15		\$0.00	\$350,438.02	\$350,438.02	\$23,362.53
Personal Injury	5		\$0.00	\$22,516.20	\$22,516.20	\$4,503.24
Personal Property	59		\$129,901.37	\$36,717.81	\$166,619.18	\$2,824.05
TOTAL NON-WSF PAYOUT					\$1,191,064.72	\$8,447.27

Proviso Section 2(d) Response

The impact of moving legal costs associated with WSF into the statewide Self-Insurance Liability Account (SILA) administered by the Department of Enterprise Services, Office of Risk Management is the substantial benefit achieved by the predictability of paying those costs through the SILA biennial premium established by actuarial analysis rather than paying the costs as incurred throughout the biennium, which frequently created pressures on Program U that were difficult to manage.

Should you have any questions, or need further information, please contact Kara Larsen, Risk Management & Legal Services Director, at 360-704-6366, or larsenk@wsdot.wa.gov.