**Reporting, Investigating and Resolving Motorist Damage Claims**

**In Contract Work Zones**

**C&MS 107.13**

Ohio Department of Transportation

Office of Construction Administration

Motorist Damage

[1a]

[2a]

Motorist reports damage to District

Motorist reports damage to Contractor

3 days

3 days

[1b]

[2b]

District reports claim to Contractor

District

Contractor reports claim to District

[5a]

End

[4]

yes

[3a]

[5]

[3]

District forwards report to District Court of Claims Coordinator; contacts Contractor’s insurance company

Contractor resolves

claim

Contractor’s insurance company resolves claim

no

yes

End

[6]

no

Department advises motorist of Ohio Court of Claims option

[9]

[7]

[8]

Central Office Court of Claims Coordinator determines settlement amount to be assessed to the Contractor

<$2500

Lawsuit filed by motorist

Central Office Court of Claims Coordinator determines if Contractor is responsible

yes

[7a]

>$2500

[8a]

[10]

no

Court of Claims

Central Office Court of Claims Coordinator sends email to DCA, copy to DDD, CO Construction Administration, & District Court of Claims Coordinator

[16]

District Settlement or Court of Claims

[8b]

End

[15]

End

DCA sends email to CO Court of Claims Coordinator and Finance

[11]

Project Engineer notifies Contractor via email prior to executing deduction

[14]

Project Engineer initiates change order deducting settlement amount from contract (reason code 36)

14 days

[13]

[12]

DCA makes decision on Contractor’s appeal

Contractor or Contractor’s insurance company may appeal decision to the DCA

deduction

DCA sends email to CO Court of Claims Coordinator and Finance justifying decision

no deduction

14 days

[13b]

[13c]

[13a]

[13d]

Finance emails District P&E Administrator

Finance adjusts District Preservation Budget equal to the amount of the claim

End