



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Office of the
Commissioner

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**Public Hearing – February 4, 2013
Transportation Committee**

**Testimony Submitted by Commissioner Jim Redeker
Department of Transportation**

Proposed S.B. 625 – An Act Concerning the Review of Claims filed by Motorists Against the Department of Transportation and its Contractors.

The Department of Transportation (ConnDOT) is opposed to S.B. 625 and offers the following comments.

The proposed bill seeks to do two things relative to debris on highways:

- (a) amend the statutes to add a process for the impartial review and evaluation of claims filed by motorists against the Department; and
- (b) amend the statutes to add a process for the impartial review and evaluation of claims filed by motorists against a contractor of the Department.

Procedures already exist for the impartial review and evaluation of claims filed by motorists against ConnDOT. Any motorist making a claim under § 13a-144 (the "defective highway statute") has their claim evaluated by the State Insurance and Risk Management Board (SIRMB) for an impartial review and evaluation and the State's third-party claims administrator.

If claims are not settled at that level, defective highway claims can proceed to court where an impartial judge reviews and evaluates the claim.

The impartial review and evaluation of claims that do not fall within the defective highway statute is available through the Office of the Claims Commissioner. It is important to note that claims against the Department that do not fall within the defective highway statute would be barred by the doctrine of sovereign immunity.

When a motorist claims the debris is the result of construction activity, ConnDOT puts the contractor and its insurance company on notice of the claim, and, per the Department's contract with the contractor, the contractor is required to handle the matter. The Department tries to facilitate such process, but it is for the contractor and its insurance company to review and evaluate. If the motorist is dissatisfied with that outcome, the motorist has recourse to the impartial forum of superior or small claims court.

Current processes afford motorists an impartial review and evaluation and, therefore, the Department believes that S.B. 625 is not needed.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013.

