

Damage Claim Procedures

DAMAGE CLAIMS AGAINST THE DEPARTMENT OF TRANSPORTATION, DISTRICT 5

STATE HIGHWAYS/FREEWAYS

IN SANTA CRUZ, SAN BENITO, MONTEREY, SAN LUIS OBISPO & SANTA BARBARA COUNTIES

The Caltrans Legal Claims Program resolves claims filed against the Department of Transportation (Caltrans) for \$5,000.00 or less. Government Code Section 935.7 authorizes Caltrans to adjust and pay claims not exceeding \$5,000.00 without prior presentation and approval of the California Victim Compensation and Government Claims Board.

CLAIMS FOR \$5,000.00 OR LESS: May be filed on the following form. If you are unable to download the form, you may call the telephone number listed below and request a form be mailed to you. At this time, Caltrans cannot accept completed forms electronically. The completed form and attachments should be mailed or delivered to:

**Department of Transportation
District 5 – Legal Claims Office
50 Higuera Street
San Luis Obispo, CA 93401
(805) 549-3111**

The claim form is available in Adobe pdf format at www.dot.ca.gov/dist05/legal/ld0274.pdf.

TIPS FOR COMPLETING THE CLAIM FORM:

Please read the claim form carefully and answer all questions completely. Claim forms submitted unsigned, undated, over \$5,000.00, or for an unspecified amount will be returned. Signatures must be original. Copies of signatures will be not accepted. Registered owner(s) of the damaged vehicle must complete and sign claim form. To expedite the processing of your claim, please include a copy of any police or CHP report and any photos of damage if available.

Be detailed in your explanation of the incident and make sure all information is clear. The exact location of the incident is important. Include exit signs, ramps, cross streets, lane number, direction of travel, etc. If there was a construction or a maintenance operation in the area, provide the type of work being performed (if you can determine), vehicle numbers, license plate numbers or identification numbers, identifying marks, logos, etc., if at all possible. If more room is needed for your explanation, attach a second sheet. Explain what caused the damage and why Caltrans is responsible.

Please attach two (2) estimates or a paid receipt, and any other documentation supporting the amount of your claim. Documents sent to the District Claims Office will not be returned. Therefore, be sure to make copies of your documentation before you submit them.

District 5 only covers state routes owned, maintained or controlled by the State in Santa Cruz, San Benito, Monterey, San Luis Obispo and Santa Barbara Counties.

Depending on workload, it may take from 4 to 6 weeks to complete an investigation.

Time limitations for presenting a claim: Most claims must be filed within six months of the date of loss. Claimants are encouraged to consult with an attorney to determine if there are exceptions for their claim (Government Code Section 911.2).

Late Claims: When a claim is not presented within the time limitations set by statute, a written application and claim in triplicate may be made to the California Victim Compensation and Government Claims Board for permission to submit a late claim. The application should state the reason for the delay in presenting the claim and be sent to the California Victim Compensation and Government Claims Board at the address listed below. The Department of Transportation cannot accept late claims without prior approval of the California Victim Compensation and Government Claims Board.

CLAIMS FOR \$5,000.00 OR MORE and LATE CLAIMS: If your claim is more than \$5000.00, please see the California Victim Compensation and Government Claims Board website at www.boc.ca.gov/GovClms.htm for information on filing a claim or contact them at the address and/or phone number listed below.

California Victim Compensation and Government Claims Board
Government Claims Program
P. O. Box 3035
Sacramento, CA 95812-3035
(800) 955-0045
Website: www.boc.ca.gov/GovClms.htm

The fact that this brief statement of the initial procedure to be followed in submitting a claim against the State of California has been furnished to you or that an investigation of any claim is undertaken is not to be taken as an admission of liability in any respect on the part of the State or any of its officers or employees. Nor is the fact that this informational statement has been furnished to you to be construed as a waiver of any requirements imposed by law or of any defense which may be available to the State of California in connection with any claim that might be filed against it. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.