

County Administrator
Risk Management Division

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Contra Costa County

Liability Claims
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TO: Board of Supervisors
FROM: Sharon Hymes-Offord, Risk Manager
DATE: 1/22/16
SUBJECT: Settlement Authority

J.H.O.

RECOMMENDATIONS:

RECEIVE this report and AUTHORIZE payment in the amount of \$154,283.07 as settlement of a property damage claim involving the Rodeo-Hercules Fire Protection District.

FISCAL IMPACT:

Liability Internal Service Fund payment of \$154,283.07.

BACKGROUND:

This is an accident involving a Rodeo Hercules Fire Protection District fire engine and a vehicle driven by Christian Zuniga. This claim seeks coverage for first party collision damages to the District's 2000 Hi Tech Triple Combo Fire Engine.

The accident occurred on 3/15/15 at approx. 1:53am on eastbound I-80 near Willow Avenue. This is an unincorporated area of Contra Costa County that runs along on the Rodeo/Hercules border. Unit E75A had responded to an earlier call for emergency assistance on I-80. E75A was assisting with a vehicle rollover and was positioned about 200 feet behind the scene of that collision and blocking the #3 of 4 lanes with its emergency lights activated. CHP had placed flares to the rear of the Engine, approximately 300 feet back to warn of the truck's presence. This formation was established in order to protect emergency personnel and the person involved in the other accident and was conducted in accordance with the industry's best practices.

Engineer Jerry Short Jr. was seat belted and sitting in the driver's seat of E75A. He reports looking in the side view mirror and seeing headlights in the #3 lane coming straight at the back of his truck. He didn't see the vehicle, a 2013 Ford Fusion, slow down at all before it collided with the rear of E75A.

The driver of the 2013 Ford Fusion, Christian Zuniga, was airlifted from the scene. He was determined to have been driving under the influence of alcohol at the time of the collision. The 2013 Ford Fusion which he was driving was newly registered to him and to Jesse Estrada Bonilla.

CONSEQUENCE OF NEGATIVE ACTION:

The repairs were completed and the truck was returned to RHFPD the first week of January 2016. Hi Tech has forwarded its final invoicing, which is \$154,283.07 and is in line with our appraiser's estimate. The shop charges \$95.00/hour for labor, but it is the original manufacturer of the Engine and the only shop qualified to complete the repairs to this truck. The photos show significant rear end damage to the truck which required the whole box to be removed and rebuilt on the back of the truck. This was a time and labor intensive repair, but based on the valuation of the Engine estimated at \$250,000-\$350,000 by our appraiser, the repair was appropriate.

An excess claim has also been reported to CSAC and is being handled by McLaren's Young International. Since the Engine has a minimum value of \$250,000, the deductible of \$100,000 will apply. We will receive approximately \$54,000 back from CSAC once their claim is processed.

We are hopeful, but not optimistic that we may be able to recover some damages from the at fault party. Mr. Zuniga carried only the California State minimum of \$5,000 in property damage coverage. We may be able to seek some limited additional contribution from him directly as a condition to settlement, or we may be able to have restitution assessed depending upon the status of the District Attorney's DUI case.