



0017

County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda September 11, 2001

To: Board of Supervisors

Re: Claim of Raymond Lepore, No. 102-011

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- ☒ 1. Reject the claim of Raymond Lepore, No. 102-011 and refer to County Counsel.
- ☐ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- ☐ 3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.
- ☐ 4. Approve the claim of _____ in the amount of _____ and reject the balance, if any, and refer to County Counsel.
- ☐ 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Tom Bolich, Director
Department of Public Works

RISK MANAGEMENT

By Janet McKinley
Janet McKinley, ARM, Risk Manager

SAMUEL TORRES, JR., COUNTY COUNSEL

By Kim Elizabeth Baskett
Kim Elizabeth Baskett, Assistant County Counsel

102-011

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(pursuant to Section 910 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board 00,8
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: RAYMOND LEPORE
Address: 427 BLACKFOOT LANE
VENTURA, CA 93001
Phone No: 805 653 0933
P.O. Box to which notices are to be sent: _____
2. Occurrence: SEE ATTACHMENT
Date: JULY 1 Place: EMPIRE GRADE ROAD BETWEEN SMITH GRADE
JUNE 22, 01 APPROX. & FELTON GRADE
3. Circumstances of occurrence or transaction giving rise to claim: SEE ATTACHMENT
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
DAMAGE TO PASSENGER SIDE BUMPER, HEADLIGHT
ASSEMBLY & HOOD
5. Name(s) of public employee(s) causing injury, damage or loss, if known: UNKNOWN
6. Amount claimed now \$ 2500.00
Estimated amount of future loss, if known. \$ _____
TOTAL \$ 2500.00
7. Basis for above computations: TWO ESTIMATES (SEE ATTACHMENTS)
8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:
_____ Municipal Court _____ Superior Court
CLAMANT'S SIGNATURE: Raymond Lepore

Note: Claim **must** be presented to Clerk, Board of Supervisors, within **six (6)** months after the act which occasioned the injury.
Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2123).

PER5003

10-03-01

Raymond Lepore
427 Blackfoot Lane
Ventura, CA 93001

0019

The Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Attn: Clerk of the Board

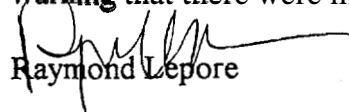
The circumstances of occurrence are as follows: Approximately 10:00 am I was traveling north on Empire Grade road when I approached signs signaling road work ahead and an indication that there was a flag man up ahead. As I approached the flag person he was off to the side of the road getting something out of his cooler that was on the shoulder of the roadway. He was not indicating that there was work ahead, The sign was parallel to the road and was not indicating slow or stop. I assumed that there was no work ahead or that the workers may have been on a break. About a quarter of a mile ahead I could see in the near distance a cloud of dust on the road that appeared to be coming from a pull out on the side of the road where the road crews had been storing road gravel. As I approached I slowed down to about ten miles an hour proceeded to go through the dust cloud. The dust never abated and the next thing I new I ran into the back of a road brooming machine that was the cause of the dust.

This machine was not visible from the rear at all. Had I known that they were sweeping the road I would never have gone through the dust. On impact the brooming machine stopped and I got out of the car and assessed the damage to my car and to the machine, which received no damage. There was absolutely no warning that there was a machine on the road causing the dust.

After the incident a supervisor came to the scene to fill out a report of the accident. As he was taking the information he stopped and ordered the broom machine operators and the flag persons to change their procedure. The flag people were to hold the traffic for ten minutes while the broom machines operated for ten minutes without traffic present. The they were to stop and allow the dust to disperse before allowing traffic to resume. This is the procedure that should have been followed from the beginning of the brooming.

Please see the photographs enclosed. The first is the damage to my car. The second and the third is the broom machine that I hit and the fourth is the dust that the broom machine makes from the rear as they swept away from the accident scene. It is apparent from this photograph that it is difficult to see where the dust is coming from. The fifth photo is a picture of a pilot car that was used further up the road where paving was taking place. If this were the procedure where the brooming machines were operating The accident would never have happened.

The road crews were negligent for allowing traffic to proceed without guidance or sufficient warning that there were machines on the roadway that were not visible.


Raymond Lepore