

APA-1
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Alabama Department of Transportation
Rule No. 450-11-1
Rule Title: Administrative Procedures
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? ----- Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 10-20-2017

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama Department of
Transportation
NOTICE OF INTENDED
ACTION

AGENCY NAME: State of Alabama Department of Transportation

RULE NO. & TITLE: 450-11-1 Administrative Procedures

INTENDED ACTION: The Alabama Department of Transportation proposes to adopt Chapter 450-11-1.

SUBSTANCE OF PROPOSED ACTION:

The Alabama legislature amended Ala. Code § 24-1-40 to allow the Alabama Department of Transportation (ALDOT) to provide compensation for injury to property or persons for uncontested claims under \$5,000. The amendment requires ALDOT to adopt policies and procedures for such compensation. The new Administrative Code section sets out the procedures for compensation under § 24-1-40.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

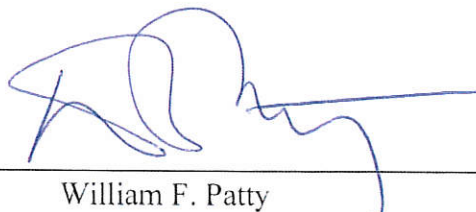
Public Hearing at 10 am - 11 am, December 15, 2017, at ALDOT, Central Office, Conference Room 9, 1409 Coliseum Blvd., Montgomery, AL 36110, and an opportunity to present comments in writing to William F. Patty, Legal Bureau, 1409 Coliseum Blvd., Montgomery, AL 36110 by 11 am, December 15, 2017.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

December 15, 2017, 11:00 am

CONTACT PERSON AT AGENCY:

William F. Patty
Chief Counsel
1409 Coliseum Blvd., Room 147
Montgomery, AL 36110
(334) 242-6350 (office)
(334) 264-4359 (facsimile)
pattyw@dot.state.al.us



William F. Patty
Chief Counsel

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. _____ Department or Agency Alabama Department of Transportation

Rule No: 450-11-1

Rule Title: Administrative Procedures

New _____ Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. **NEED/EXPECTED BENEFIT OF RULE:**

The new rule would allow claimants to receive compensation for injury caused by the Alabama Department of Transportation in an expedited and more efficient manner.

2. **COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

Currently, persons who make claims due to damage caused by the Alabama Department of Transportation have to wait three to six months to receive compensation. This new process would allow claimants to receive compensation quicker.

3. **EFFECT OF THIS RULE ON COMPETITION:**

None

4. **EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Public Road & Bridge Fund

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

None

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

****Additional pages may be used if needed.**

ALABAMA DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE BUREAU
ADMINISTRATIVE CODE

CHAPTER 450-11-1
ADMINISTRATIVE PROCEDURES

TABLE OF CONTENTS

450-11-1-.01 Purpose of Chapter
 450-11-1-.02 Filing a Claim Pursuant Alabama Code section 23-1-40(i)
 450-11-1-.03 Process for Claims of \$5,000.00 or Less

450-11-1-.01 Purpose of Chapter. The purpose of this chapter is to establish procedures and minimum standards to govern the filing of claims against the Alabama Department of Transportation (Department) for compensation for injury to a person or property or to pay an unpaid vendor invoice.

450-11-1-.02 Filing a Claim Pursuant Alabama Code section 23-1-40(i).

(1) Claims for compensation for injury to a person or property or to pay an unpaid vendor invoice against the Department in an amount of \$5,000.00 or less shall be filed with the designee of the Director of the Department, who is the Deputy Director, Administration (the Designee). Claims shall be filed with the Designee at 1409 Coliseum Boulevard, Montgomery, AL 36110 or by e-mail at claims@dot.state.al.us.

(2) A claim filed pursuant the paragraph (1) will be filed using the claim form approved by the Department and will be available at Department District offices and on the Department's website. The form shall contain the claimant's name, mailing address, telephone and cell phone numbers, and e-mail address. In cases involving claims for injury to a person or property, the claimant shall provide a description of the accident, damages and basis of the claim for which the claimant seeks compensation along with any documentation that the claimant wishes to be considered regarding to support the claim. In cases involving compensation for unpaid vendor invoices, the vendor should provide a description and

justification of the claim and a copy of the unpaid invoice along with any other documentation that the vendor wishes to be considered regarding to support the claim.

(3) Claims in an amount of \$5,000.00 or less that are filed with the Designee in compliance with paragraphs (1) and (2) of this section shall toll the statute of limitations set forth in Alabama Code section 41-9-65. Claims in an amount of \$5,000.00 or less that are filed initially by the claimant with the Board of Adjustment will be treated by the Department for purposes of satisfying the applicable statute of limitations as having been filed on the date the claim was filed with the Board of Adjustment.

(4) Claims against the Department for compensation for injury to a person or property or to pay an unpaid vendor invoice in an amount more than \$5,000.00 shall be filed with the Alabama Board of Adjustment pursuant to the applicable statutory and administrative rules governing such claims. In the event, such a claim is filed with the Department in error, it will be forwarded to the Board of Adjustment.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Ala. 1975, §

History: New Rule: Filed ; effective .

450-11-1-.03 Process for Claims of \$5,000.00 or Less.

(1) The Designee may provide compensation for claims in the amount of \$5,000.00 or less if the Designee determines that based upon principles of justice and good morals the claim should be paid.

(2) In the event, the Designee approves the claim for payment, the Department will notify the claimant of the decision and submit the claim for payment to the Comptroller who shall issue and forward payment to the Department in thirty (30) days of receipt by the Comptroller.

(3) If the Designee denies payment of the claim, the Department will notify the claimant and forward the contested claim to the Board of Adjustment.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Ala. 1975, §

History: New Rule: Filed October 20, 2017; effective December 15, 2017.