

## **Frequently Asked Questions**

The Alameda-Contra Costa Transit District cannot provide you with legal advice in regards to your claim. If you have legal questions regarding your claim, you should consult with an attorney.

### **How do I file a claim?**

The Alameda-Contra Costa Transit District has a standard claim form that can be used for your convenience. The form must be filed with the District Secretary located at 1600 Franklin Street, Oakland, CA. 94612 by either standard mail or hand-delivery.

### **How do I obtain a claim form?**

The form can be picked up in person at 1600 Franklin Street, Oakland, CA. 94612. The form can also be downloaded from <http://www.actransit.org/government-tort-claims/>. You may also request that a form is mailed to your preferred address by calling the Risk Management Department at (510) 891-4817 or (510) 891-5436.

### **How long do I have to file a claim?**

The Tort Claims Act sets forth the time limits for filing a claim for money or damages. (See Government Code § 911.2) Generally, a claim relating to death or injury to a person or to personal property should be filed within six months from the date of an occurrence.

### **What if the time has expired since the incident occurred?**

You should file a Late Claim Application using the same claim form but title it as such and explain in detail why the claim is late. The Late Claim Application may be granted or denied. Only if it is granted will The Alameda-Contra Costa Transit District consider the merits of the claim (\*See Government Code § 911.4).

### **What should I attach to the claim?**

Provide a breakdown of the amount you are claiming and how it was computed. Attach copies of bills, payment receipts, photographs, diagrams, and other supporting documents for what you are claiming.

### **How many repair estimates do I submit?**

If the damage is to a vehicle, please attach two repair estimates, a copy of the current vehicle registration showing ownership of the vehicle, and proof of insurance. Depending on the extent of the damage, we may require an appraisal inspection. If the claim involves damage to personal property, you must submit receipts for all damaged items. If no receipts are available, you must state the purchase date, price, and name of the store where the items were purchased. If items are irreparable, you must make them available for our inspection.

**Can I have the repairs done or do I have to wait for the investigation to be concluded?**

If you so desire, you may go ahead and have the repairs completed. However, you will be doing so at your own financial risk, as the District reserves the right to reject your claim, in whole or part. If you do choose to have the repairs done prior to the completion of the investigation, you should take photographs of the damage before repairs are made in order to substantiate your claim. Remember that a governmental entity will consider the pre-loss condition in evaluating all damages.

**Once I file the claim, what happens next?**

You will receive a letter with the name of the adjuster assigned to your claim. If after 45 days, you have not heard anything, you can call the adjuster to inquire about how long it may take to process your claim. Some claims may take longer depending on their complexity. Once the investigation of your claim has been concluded, we will contact you regarding the outcome.

**What do I do if my claim is denied?**

You have six months from the date of the denial of the claim to file a lawsuit in the court with appropriate jurisdiction.

(\*ALL PERSONS ARE REFERRED TO GOVERNMENT CODE §§ 900-960.8 FOR A DETAILED DESCRIPTION OF THE CLAIMS FILING REQUIREMENTS WHEN PRESENTING A CLAIM OR FILING A LAWSUIT AGAINST A PUBLIC ENTITY OR AN EMPLOYEE OF THE PUBLIC ENTITY. THIS DOCUMENT IS NOT INTENDED TO ACT AS A WAIVER NOR WILL IT ESTOP THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT FROM ASSERTING NON-COMPLIANCE WITH THE TORT CLAIMS ACT)