



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

Mark R. Cook, PE Director

September 16, 2015

Mr. Michael P. Nigrey
Deputy Prosecuting Attorney
205 West Fifth, Room 213
Ellensburg, WA 98926-3129

RE: Claim No.: 201509100013

Dear Mr. Nigrey:

Public Works has reviewed the claim for damages (Exhibit 1) submitted by Nancy and Jerald Pague. We confirm that Public Works was engaged in road operations at or near the referenced area (Hwy 10 milepost 93.5) on the date noted on the claim (7/21/2015). The damages listed and the amount of estimated repair are consistent with our experience resulting from aggregate falling from a dump truck operating at, or about, 55 miles per hour. We confirm that Public Works was contacted as described in the claim. We find no reason to dispute the narrative of the claim as submitted.

We cannot verify, nor refute, the claim that our dump truck spilled aggregate onto the Pague's vehicle. We do acknowledge that occasionally residual aggregate remains on portions of our trucks and rough roads or high wind conditions contribute to the material leaving the vehicle under speed conditions. It is our business practice for drivers to monitor their trucks during aggregate hauling and delivery operations removing excess aggregate prior to leaving the job site. Complete elimination of excess aggregate at all times is difficult to achieve. Given the fact pattern presented and our presence in the area during the time noted, we believe the likelihood that we caused the noted damage is more likely than not. We also acknowledge that the damage is consistent with past claims that we have paid resulting from similar events. We recommend that the Board of County Commissioners favorably entertain the Pague's claim for damages.

Respectfully,

Mark R. Cook
Director

Attachments: Exhibit 1 Claim No. 201509100013

C: Lisa Young, Risk Manager