



**Board of Directors  
February 24, 2000**

Metropolitan  
Transportation  
Authority

**SUBJECT: TORT CLAIMS ORDINANCE**

**ACTION: ADOPT THE MTA TORT CLAIMS ORDINANCE**

One Gateway Plaza  
Los Angeles, CA  
90012-2932

**RECOMMENDATION**

Adopt the attached tort claims ordinance which was introduced at the January 27, 2000, meeting of the Board of Directors.

(213) 922-2000

**ISSUE**

The tort claims regulations for the MTA must be adopted as an ordinance. The tort claims regulations currently used by the MTA are those previously used by the RTD. They were adopted many years ago and last revised over a decade ago. They have never been formally adopted as an MTA ordinance and do not cover all of the types of claims which the Government Code allows local public entities to regulate.

**POLICY IMPLICATIONS**

There are no significant policy implications.

**ALTERNATIVES CONSIDERED**

The only alternative is to maintain the status quo. To do so would continue to deprive the MTA of the right to receive early notice of certain types of claims and would leave the rules unclear as to when a tort claim must be filed.

**FINANCIAL IMPACT**

There is no cost to the MTA that would flow from adopting the proposed ordinance. Adoption of the ordinance could result in some savings by providing the MTA with a valuable additional defense in certain types of lawsuits.

**BACKGROUND DISCUSSION**

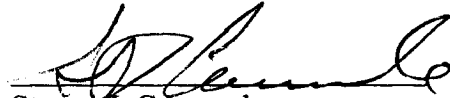
Generally, the California Tort Claims Act requires the filing of a claim as a procedural pre-requisite to the initiation of a lawsuit against a public entity. Government Code §905 exempts certain categories of claims from this process, but §935 allows public entities to enact claims filing procedures for the exempt claims.

While almost all public entities in the state have done so, the MTA has not. Instead, it has relied upon the old RTD claims ordinance. The RTD ordinance is not only out of date, but does not clearly describe a claims process for the otherwise exempt claims. The proposed ordinance would clarify the claims filing process for the MTA.

Pursuant to Public Utilities Code §30273, an MTA ordinance cannot be passed at the first meeting where it is presented to the Board of Directors for consideration. Therefore, the recommendation is for the Board to receive and file the ordinance at the meeting where it is first presented. The Board of Directors may then formally adopt the Ordinance at its next regular meeting. This Ordinance will take effect 30 days following its adoption. Pursuant to Public Utilities Code § 30275, this Ordinance must be published once within 15 days after adoption in a newspaper of general circulation printed and published in geographic area served by the MTA.

**Prepared by: Mary E. Reyna**  
**Senior Deputy County Counsel**

Lloyd W. Pellman  
County Counsel



Steven J. Carnevale  
Assistant County Counsel

**ATTACHMENT**

Ordinance No. \_\_re Tort Claims Procedure

## ATTACHMENT

Ordinance No. \_\_

An Ordinance to establish a Tort Claims Procedure for certain tort claims against the MTA.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY:

### SECTION 1:

**Applicability.** Pursuant to Section 935 of the Government Code, all claims against the Los Angeles County Metropolitan Transportation Authority for money or damages which are excepted by Section 905 of the Government Code from the provisions of Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of the Government Code, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedures prescribed in this Ordinance.

### SECTION 2:

**Claim Prerequisites.** No suit for money or damages may be brought against the Los Angeles County Metropolitan Transportation Authority on a cause of action specified in section 1 of this Ordinance unless a written claim therefor has first been filed and acted upon in conformity with this Ordinance and Sections 945.6 and 946 of the Government Code.

### SECTION 3:

**Claims - Time Limitation.** The claim for any cause of action specified in Section 1 of this Ordinance shall be presented in the manner provided in Section 5 not later than one year after the accrual of the cause of action; except that a claim on a cause of action for death or for injury to person or to personal property or growing crops shall be presented not later than six months after the accrual of the cause of action.

### SECTION 4:

**Claims - Late Filing.** The late filing of claims governed by this Ordinance will be subject to the procedures set forth in those provisions of the Government Code referred to in subdivision (e) of Government Code Section 935.

### SECTION 5:

**Claims - Presentation and Contents.** A signed, written claim shall be presented to the Los Angeles County Metropolitan Transportation Authority by mailing or delivering it to the Secretary of the Board of Directors by the claimant or by a person acting on the claimant's

behalf. The claim shall conform to the requirements of Section 910 of the Government Code or of a form provided by the Los Angeles County Metropolitan Transportation Authority.

**SECTION 6:**

**Claims - Statutory Procedures for Consideration and Action Adopted.** Unless otherwise provided in this chapter, the procedure for consideration and action upon all claims filed pursuant to this Ordinance shall be the same as the procedure provided and required by Chapter 2 of Part 3 of Division 3.6 of Title 1 (commencing with Section 910) of the Government Code, which Chapter is hereby adopted as setting forth the requirements for claims filed pursuant to this Ordinance.

**SECTION 7:**

**Publication of Ordinance.** Upon adoption this ordinance shall be signed by the Chairperson of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority. The Secretary of the Board of Directors shall cause the publication of this Ordinance once, within fifteen days of its adoption, in a newspaper of general circulation printed and published within the area served by the Los Angeles County Metropolitan Transportation Authority and the Secretary of the Board of Directors shall attest to such adoption and publication of this Ordinance.

\_\_\_\_\_  
Chairperson, Board of Directors

Date Adopted: \_\_\_\_\_

Date Published: \_\_\_\_\_

\_\_\_\_\_  
Secretary, Board of Directors