

Tort Claim Information for Property Owners

What to do if you suspect construction-related damage

If you, as the property owner, believe your home has sustained vibration-related damage caused by project activities, you should email the SR 520 Program at SR520bridge@wsdot.wa.gov with specific information about the damage.

For the SR 520 Portage Bay and Roanoke Lid Project, WSDOT has created a fund to pay claims for damage from construction-related vibration that are under \$50,000. The vibration damage fund is intended to simplify the state's regular tort claim process (described below). Claims over \$50,000 are routed through the state's regular claim process to determine liability and compensate for damages. To be eligible for the fund, the damage must have been caused by the project's vibration-generating work, such as piledriving, soil compaction or excavation.

Preliminary investigation

Following notification to the project team, WSDOT and Skanska may offer a site visit to the property to determine whether the damage could be addressed through the vibration damage fund. During a site visit, you will have the opportunity to show and discuss your concerns. Skanska will document the alleged damage by taking photographs, while WSDOT representatives will discuss the process for filing a formal tort claim and explain the vibration damage fund. In addition to the site visit, WSDOT and/or Skanska may examine other available information, including:

- Data from nearby vibration monitors to determine whether the monitors have recorded events that met or exceeded vibration thresholds, and whether the data aligns with the property owner's damage claims.
- Pre-existing home inspection(s) that recorded baseline conditions before the alleged damage occurred.
- Other evidence, such as records of construction activity and reports from WSDOT or Skanska construction inspectors.

Many property owners living near the construction zone received home inspections that WSDOT offered before construction. If your home did not receive an inspection, WSDOT and/or Skanska may offer one at their discretion. The inspection report includes written observations and photographs of existing conditions, such as surface-level cracks, gaps, or other damage to walls or foundations, visual damage to windows, doors and plumbing fixtures.

Outside the home, inspectors document the condition of driveways, fences, retaining walls and other external elements. WSDOT/Skanska will also examine any dated photographs or other documentation you might have that capture conditions immediately prior to SR 520 construction.

Filing a claim for damages

All claims, whether above or below the vibration fund's \$50,000 limit, must be filed through the [Washington Office of Risk Management](#) (see [RCW 4.92.100](#)). Claims may be filed online, via fax, regular mail, or in person. The Risk Management Office will route claims below \$50,000 to the SR 520 Program to be considered for the construction project's vibration damage fund.

For assistance with filing the claim, you can contact customer service at the Office of Risk Management at 360-407-9199, available Monday through Friday, 8 a.m. to 5 p.m. Outside of those hours, you can leave a voicemail and receive a response the following business day.

After the tort claim is filed

Once the tort claim is assessed by WSDOT, one of two scenarios will occur:

1. If the claim is verified to be caused by vibration attributable to project activities, and the damage repair is eligible for payment through the vibration damage fund, WSDOT will direct Skanska to issue payment to the homeowner and reimburse Skanska through the fund.
2. If the claim is denied or falls outside the vibration damage fund, WSDOT will alert the Office of Risk Management of the denial, who will then tender the claim to Skanska for their insurance carrier to conduct their own investigation.

If the investigation by Skanska and/or the insurer determines the claim is verified as being caused by construction activities and a covered claim, the insurer will compensate the property owner. If Skanska also denies the claim, WSDOT will consider the decision final and will not challenge it. The homeowner could then seek reimbursement through litigation or choose to fund the repairs themselves.

Additional FAQs about construction-related claims

What are the monetary limits on claims that fall under the vibration damage fund?

Approved claims under \$50,000 related to the Portage Bay Project can be reimbursed through the vibration damage fund. Monetary limits are per claim, not per residence.

Do I need to complete home repairs before filing a claim?

No, as the homeowner, you do not need to complete repairs before filing a claim. However, you should be prepared to provide a cost estimate for potential repairs when submitting a claim.

Can I modify or amend a claim?

Yes, you may modify or amend existing claims if you find additional damage.

Can I submit more than one claim?

Yes. If you suspect a subsequent construction activity has caused new property damage, you may file another tort claim.

Is there a time limit for filing a claim?

Washington law requires claims (or a lawsuit, if necessary) to be brought within a certain timeframe called the statute of limitations. The statute of limitations for a given claim depends on the specific circumstances and may require legal analysis. If you believe your home has experienced vibration-related damage, the sooner a tort claim is filed, the easier it is to investigate the potential source of damage.

Should I expect to retain legal counsel if I file a claim?

Filing a tort claim does not require legal counsel. However, the decision to retain legal counsel is completely up to you as the property owner. The project's vibration damage fund is intended to make the tort process easier and simpler for claims under \$50,000.

If your claim is not settled through the vibration damage fund – either because it exceeds the \$50,000 cost limit or is denied by WSDOT after investigation – it will be routed for consideration under the regular tort claim process. If the claim is ultimately denied through the tort claim process, you, as the property owner, may choose to retain legal counsel and address the issue through the court system.