

# **Tort Judgments and Settlements Pertaining to WSF and Non-WSF Operations**

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Pursuant to ESSB 5161, Section 220 (2) & (3), of the Washington State Legislature's 2025 Transportation budget pertaining to the Washington State Department of Transportation (WSDOT), the following is a summary report of information related to tort judgments and settlements pertaining to the Washington state ferry system (WSF) and non-ferry operations of the department. This report covers judgments and settlements for quarters one and two of FY26 (July through December 2025).

To provide context, there are five general categories of cases. First, there are claims handled and settled by WSDOT per its delegated authority from the Department of Enterprise Services, Office of Risk Management. Second, there are claims and cases tendered to insurance companies wherein contractors hired by WSDOT are required to indemnify the State of Washington for claims related to work on construction projects. Third, there are cases that can be dismissed on motion by a party. Fourth, if a lawsuit cannot be dismissed on motion, an attempt is made to reach an agreed settlement. Finally, there are cases that result in a trial. All categories, whether actual litigation or not, may have defense costs relating to them as well as regular payouts. All payments made to litigants are reduced to judgments pursuant to statute codified in RCW 4.92.040 and according to the civil court rule 54(a)(1). A judgment is defined as the final determination of the rights of the parties in an action.

All tort claims received against the state are provided a unique identifying number and are classified by type. Claims are classified as personal property damage, marine vessel property damage, bodily injury, marine crew injury, civil rights, and death. Payments are separated into bodily injury (BI) and property damage (PD). The litigation costs involved in representing WSDOT are recorded as Paid Legal (PL).

The following information is the data required and responsive to Section 220, subsection 2 (a) – (c) and subsection 3 (a) – (c).

**Number of Claims by Type**

<b>TYPE OF CLAIM</b>	<b>NUMBER BY TYPE</b>	<b>CLAIM TOTALS</b>
<b>WSF # of claims Opened in FY26 Q1 &amp; 2</b>		<b>43</b>
Bodily Injury	0	
Civil Rights	0	
Death	0	
Marine Crew Injury	4	
Marine Crew Property	0	
Marine Terminal Injury	0	
Marine Terminal Property	5	
Marine Vessel Injury	1	
Marine Vessel Property	33	
Personal Injury	0	
Personal Property	0	
<b>WSF # of Claims Closed in FY26 Q1 &amp; 2</b>		<b>59</b>
Civil Rights	0	
Death	0	
Marine Crew Injury	8	
Marine Terminal Injury	1	
Marine Terminal Property	4	
Marine Vessel Injury	1	
Marine Vessel Property	30	
Personal Injury	15	
Personal Property	0	

<b>TYPE OF CLAIM</b>	<b>NUMBER BY TYPE</b>	<b>CLAIM TOTALS</b>
<b>Non-WSF # of Claims Opened in FY26 Q1 &amp; 2</b>		<b>639</b>
Bodily Injury	33	
Civil Rights	0	
Death	2	
Personal Injury	2	
Personal Property	602	
<b>Non-WSF # of Claims Closed in FY26 Q1 &amp; 2</b>		<b>652</b>
Bodily Injury	36	
Civil Rights	1	
Death	3	
Personal Injury	22	
Personal Property	590	

**Payments on Claims Closed FY26 Q1 & 2**

TYPE OF CLAIM	NUMBER BY TYPE	ACTUAL CLAIMS PAID	INDEMNITY PAYMENTS	DEFENSE PAYMENTS	PAYMENT TOTALS	AVERAGE PAYOUT PER CLAIM <small>(see Note 1)</small>
<b>WSF Claims</b>	<b>59</b>	<b>18</b>	\$0	\$0	\$0	\$0
Bodily Injury	0	0	\$0	\$0	\$0	\$0
Civil Rights	0	0	\$0	\$0	\$0	\$0
Death	0	0	\$0	\$0	\$0	\$0
Marine Crew Injury <small>(see Note 2)</small>	8	6	\$5,272,033	\$821,128	\$6,093,161	\$878,672
Marine Crew Property	0	0	\$0	\$0	\$0	\$0
Marine Terminal Injury	1	1	\$15,000	\$0	\$15,000	\$15,000
Marine Terminal Property	4	2	\$5,335	\$0	\$5,335	\$2,668
Marine Vessel Injury	1	1	\$35,000	\$24,246	\$59,246	\$35,000
Marine Vessel Property	30	8	\$20,143	\$0	\$20,143	\$2,518
Personal Injury	15	0	\$0	\$3,729	\$3,729	\$0
Personal Property	0	0	\$0	\$0	\$0	\$0
<b>TOTAL WSF PAYOUT</b>			<b>\$5,347,511</b>	<b>\$849,103</b>	<b>\$6,196,614</b>	

Notes:

**Note 1:** The Average Payout Per Claim column is the average indemnity payment of claims with an indemnity payment.

**Note 2:** One Marine Crew Injury settlement was for a \$4.25M asbestos exposure lawsuit.

TYPE OF CLAIM	NUMBER BY TYPE	ACTUAL CLAIMS PAID	INDEMNITY PAYMENTS <small>(see Note 2)</small>	DEFENSE PAYMENTS	PAYMENT TOTALS	AVERAGE PAYOUT PER CLAIM <small>(see Note 1)</small>
<b>Non-WSF Claims</b>	<b>652</b>	<b>73</b>				
Bodily Injury	36	12	\$2,041,294	\$583,956	\$2,625,250	\$170,108
Civil Rights	1	0	\$0	\$24,255	\$24,255	\$0
Death <small>(see Note 3)</small>	3	2	\$30,800,000	\$1,203,390	\$32,003,390	\$15,400,000
Personal Injury	22	0	\$0	\$665,010	\$665,010	\$0
Personal Property	590	59	\$221,867	\$3,712	\$225,579	\$3,760
<b>TOTAL NON-WSF</b>			<b>\$33,063,161</b>	<b>\$2,480,323</b>	<b>\$35,543,484</b>	

Notes:

**Note 1:** The Average Payout Per Claim column is the average indemnity payment of claims with an indemnity payment.

**Note 2:** For claims with both property and injury payments, the payments are combined as one indemnity payment.

**Note 3:** This category includes a \$30M settlement involving a fatal crosswalk collision.

### Proviso Section 2(d) Response

Moving legal costs due to claims associated with WSF into the statewide Self-Insurance Liability Account (SILA) administered by the Department of Enterprise Services (DES), Office of Risk Management will result in increased predictability by paying those costs through the SILA biennial premium. SILA premiums are established by actuarial analysis rather than paying costs incurred throughout the biennium, the unpredictability of which is often difficult for Program U to manage. However, DES, Office of Risk Management still bills WSDOT for reimbursement of costs associated with claims filed prior to July 1, 2019. Thus, costs for all WSF claims filed prior to July 1, 2019 will be difficult to predict until all claims are resolved. For any claims filed prior to July 1, 2019 for which there is a settlement, WSDOT will keep the governor's office and legislature informed and identify the additional budget impacts.

Should you have any questions or need further information, please contact Mike Fay, Administrative Risk Manager, at 360-705-7128 or [mike.fay@wsdot.wa.gov](mailto:mike.fay@wsdot.wa.gov).