

## VANDALISM OR THEFT

- \*\*\* 1. **Purpose:** To provide policy for reporting vandalism to, or theft of, department property. The office of primary responsibility for this DOT-OI is the Highway Safety/Accident Records Section of the Traffic Engineering Division. This DOT-OI supersedes DOT-OI 55-01 dated March 9, 2012.
2. Because of the department's diverse activities and widely spaced geographical locations, security of department property is difficult. For these reasons, it is important that vandalism and theft be promptly reported so that management can assess the nature and extent of the problem and implement solutions.
3. "Department property" refers to everything that is owned by, or in the care of, the department. This includes, but is not limited to vehicles, road or office equipment, supplies, roadways, bridges, signs, buildings, and land.
- \*\*\* 4. In each case of vandalism or theft, complete a NDOT Form 25, "Vandalism - Theft Report," dated July 17. "Vandalism" is defined as willful destruction of property. **Each incident of vandalism or theft will be reported to the State Patrol** and, if necessary, the city police or county sheriff. Division/district heads will insure that an investigation is made as soon as possible, the dollar-loss determined, and a NDOT Form 25 completed for each incident.
5. If the damage to department property is deemed to be accidental and caused by a nonemployee, the State Property Damage Coordinator will be notified and will generate a "State Property Damage Report."
- \*\*\* 6. Division/district heads will send the original copy of the NDOT Form 25 to the Highway Safety/Accident Records Section of the Traffic Engineering Division and forward a copy to the Legal Counsel.
7. The Legal Counsel will inform the Highway Safety/Accident Records Section of the Traffic Engineering Division of all collections resulting from vandalism to, or theft of, department property.

Khalil Jaber, P.E.  
Deputy Director – Engineering

## LEGAL COUNSEL

- \*\*\* 1. **Purpose:** To summarize areas of activities in which Department of Transportation (NDOT) personnel should seek legal advice or assistance. The office of primary responsibility for this DOT-OI is the Transportation Bureau of the Department of Justice (AG-DOT). This DOT-OI supersedes DOT-OI 55-02 dated May 24, 1995.
- \*\*\* 2. When requested, the AG-DOT provides general legal advice, aid, and assistance relative to NDOT operations as shown in paragraphs 3 through 11 below. Formulation of NDOT policy is not a responsibility of the AG-DOT.
3. **Eminent Domain - Condemnation:**
- \*\*\* A. **County Court proceedings:** Represents the NDOT in all condemnation proceedings where it is necessary to acquire property for state highway purposes as defined in Section 39-1320, Revised Statutes of Nebraska.
- \*\*\* B. **Appeals - County Court to District Court:** Represents the NDOT on appeals from the county court condemnation award when the appeal is taken by either the NDOT or the condemnee.
- \*\*\* C. **Procurement of witnesses and fee appraisals:** Procures expert witnesses and fee appraisals when an appeal has been taken by the NDOT or condemnee.
- \*\*\* D. **Supreme Court appeals:** Writes the briefs and argues all cases which have been appealed to the Supreme Court by the NDOT or an adverse party.
- \*\*\* 4. **Worker's Compensation:** Handles Worker's Compensation claims for NDOT employees injured while within the scope of their employment. Handles suits for subrogation rights because of injuries to personnel for which compensation benefits were paid. When necessary, coordinates the foregoing with the Chief of the Litigation Section, or the Chief Deputy of the Department of Justice.
- \*\*\* 5. **Claims against the NDOT:**
- \*\*\* A. Handles Tort, Contract and Miscellaneous claims filed with the State Claims Board for NDOT. Represents NDOT in court when these claims result in litigation. When necessary, coordinates with the Chief of the Litigation Section or the chief Deputy of the Department of Justice, concerning the representation of NDOT on these claims and lawsuits.
- \*\*\* B. Cooperates with the state insurance carrier for claims against the NDOT, which are covered by insurance.

- \*\*\* 6. **Claims for the NDOT:** Handles the collection of accounts and claims for damage to NDOT property and equipment, and the collection of delinquent rentals owing to the NDOT, after the NDOT collection efforts have failed and the matter is forwarded to the AG-DOT.
- \*\*\* 7. **Defense of the NDOT:** Represents the NDOT in defense of inverse condemnation suits, contractor's suits, flood damage suits, and various other suits.
- \*\*\* 8. **Suits to protect the rights of the NDOT:** Brings suits to protect NDOT rights. Such actions may include injunction actions to protect right-of-way and control of access, actions to enforce NDOT rules and regulations, actions to enforce contracts, and various other types.
- 9. **Settlements:** Negotiates possible settlements of cases pending trial or final disposition.
- \*\*\* 10. **Contracts:** Assists in preparation of contracts, easements, and deeds for various NDOT divisions. Reviews other contracts, specifications, insurance, performance bonds, and similar documents.
- \*\*\* 11. **Legal Opinions:** Only the Director may request legal opinions from the Attorney General.

Kyle Schneweis  
Director