

203.3B General Requirements for Liability Insurance

When liability insurance is required, the applicant shall furnish an endorsement to the policy naming the State, its officers and employees as additional insured. The applicant also shall furnish evidence of the required insurance by supplying a certificate of insurance naming the State of California and its officers and employees as additionally insured.

A professional liability exclusion is standard in insurance policies. This exclusion provides Caltrans and the State with adequate protection against foreseeable risks as additional insured. An exclusion clause for professional liability that is contained in many insurance policies states:

"This insurance does not apply to any professional liability claims resulting from actions, direct or indirect, from the executive or legislative branch(s) of any State or municipal government, law enforcement or police officer, security officer, firefighter, emergency medical personnel or any employee of State or local government, unless specifically endorsed hereon. This exclusion does not apply to the original named Insured."

* If a public corporation is self-insured, the permit shall include a clause that states:

"The permittee shall indemnify and save harmless the State of California and all officers and employees thereof connected with the work or activity authorized by this permit, including but not limited to the Director and the Engineer, from all claims, suits or actions of every name, kind, and description, brought forth, or on account of, injuries to or death of any person including but not limited to workmen or participants and the public, or damage to property resulting from the performance of the activity authorized by the permit, except as otherwise provided by statute. The duty of the Permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the California Civil Code."

"It is the intent of the parties that the permittee will indemnify and hold harmless the State, its officers and employees from any and all claims, suits of actions as set forth above regardless of the existence or degree of fault or negligence on the part of the State, the permittee, the employee or volunteer of any of these, other than in the active negligence of the State, its officers and employees."

Any deviation from the liability insurance requirements must be reviewed by the HQ Legal Division.

Caltrans' policy requires that all of Caltrans' employees, volunteers, and visitors to highway work zones follow safety and work procedures outlined in Caltrans' "Safety Manual", other Caltrans manuals, and specific written instructions. "Volunteers" include people participating in the Adopt-A-Highway program, and "visitors" include people participating in filming and special events.