



**SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
STAFF REPORT**

**Item No.  
7**

Meeting Date: **NOVEMBER 3, 2011**

**Subject:**

**Authorize the Rejection of the Claim of Fernando Rodriguez Maeda**

**Recommendation:**

Adopt Resolution No. 2011-0132, authorizing the rejection of the claim of Fernando Rodriguez Maeda.

**Background/Justification:**

On October 4, 2011, Fernando Rodriguez Maeda ("Maeda") filed a claim with the Authority alleging that on September 24, 2011, he fell as he rode an escalator in Terminal Two at San Diego International Airport. Maeda claims emergency medical treatment costs as damages in an unspecified amount.

Maeda alleges in his claim that on September 24, 2011, he fell as he rode an escalator in Terminal Two. He states the escalator made a "stop and start" action, like a jerk, which caused him to lose his balance and fall, resulting in lacerations and scratches which needed stitches.

Maeda's claim should be denied. An investigation into the incident revealed no unsafe condition of public property nor any notice of an unsafe or dangerous condition. Video of the escalator at the time of the incident shows the escalator operating normally at a safe constant speed without any jerking or malfunction of any kind. The video clearly shows the claimant stepping on to the escalator while leaning and resting his elbow on his carryon bag he places on the moving handrail. The large bag overflows on to the stationary escalator support and that pulls him backward, causing the fall.

**Fiscal Impact:**

Not applicable.

**Authority Strategies:**

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy     Customer Strategy     Employee Strategy     Financial Strategy     Operations Strategy

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**Environmental Review:**

- A. California Environmental Quality Act: The Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. The Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
  
- B. California Coastal Act: The Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

SUZIE JOHNSON  
PARALEGAL



SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY  
ACCIDENT OR DAMAGE CLAIM FORM

Please complete all sections.  
Incomplete submittals will be returned, unprocessed.  
Use typewriter or print in ink.

FOR AUTHORITY CLERK USE ONLY
Document No.: <u>CL-154</u>
Filed: <u>10-04-11</u>
SDCRAA OCT 04 2011 Corporate Services

1) Claimant Name: <u>Fernando Rodriguez Maeda</u>	
2) Address to which correspondence regarding this claim should be sent: <u>2701 Mesa Rd #33</u> <u>Santee, CA 92071</u>	
Telephone No.: <u>(619) 442-2902</u>	Date: <u>10/01/11</u>
3) Date and time of incident: <u>9/24/11 approx 7:15 PM</u>	
4) Location of incident: <u>Escalator to City Bus - Terminal 2</u>	
5) Description of incident resulting in claim: <u>Riding escalator up to City Bus location when it felt a stop &amp; go, like a jerk on escalator which made me lose balance. Happened so fast next thing I knew I was down &amp; hurt, bleeding &amp; sore.</u>	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: <u>?</u>	
7) Persons having firsthand knowledge of incident:	
Witness (es) <u>1</u>	Physician(s): <u>Dr. <sup>Mark</sup> Kramer</u>
Name:	Name: <u>Sharp - Memorial Hospital</u>
Address:	Address: <u>7901 Frost St.</u> <u>S. D., CA 92123</u>
Phone:	Phone: <u>(858) 939-3411</u>

8) Describe property damage or personal injury claimed:

(8)  
Left forefinger needed stitches in  
(2) different locations. Left arm 4 long scratches  
& gash. Left knee - Bruises & scratches.

9) Owner and location of damaged property or name/address of person injured:

Fernando Rodriguez Mada  
8701 Mesa Rd #33  
Santee, CA 92071

10) Detailed list and amount of damages claimed as of date of presentation of claim, including prospective damages. If amount exceeds \$10,000.00, a specific amount need not be included.

- Ambulance Ride  
- Emergency Room & Medicine  
- Will need Doctor's appt. to remove stitches

Dated: 10/01/11

Claimant:

Fernando Rodriguez Mada  
(Signature)

**Notice to Claimant:**

Where space is insufficient, please use additional paper and identify information by proper section number.

Return completed form to:

Tony Russell, Director, Corporate Services/Authority Clerk  
Corporate Services Department  
P.O. Box 82776  
San Diego, CA 92138-2776

RESOLUTION NO. 2011-0135

A RESOLUTION OF THE BOARD OF THE  
SAN DIEGO COUNTY REGIONAL AIRPORT  
AUTHORITY, AUTHORIZING THE REJECTION OF  
THE CLAIM OF FERNANDO RODRIGUEZ MAEDA

WHEREAS, on October 4, 2011, Fernando Rodriguez Maeda filed a claim with the San Diego County Regional Airport Authority for damages he allegedly incurred as a result of riding an escalator in Terminal Two at San Diego International Airport; and

WHEREAS, at its regular meeting on November 3, 2011, the Board considered the claim filed by Fernando Rodriguez Maeda, the report submitted to the Board, and found that the claim should be rejected.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the rejection of the claim of Fernando Rodriguez Maeda.

BE IT FURTHER RESOLVED that this Board action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 3<sup>rd</sup> day of November, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

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