



## Board Report

File #: 2018-0239, File Type: Program

Agenda Number: 5.

### FINANCE, BUDGET AND AUDIT COMMITTEE JUNE 20, 2018

#### **SUBJECT: EXCESS LIABILITY INSURANCE PROGRAM**

#### **ACTION: PURCHASE EXCESS LIABILITY INSURANCE**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to negotiate and purchase excess liability insurance policies with up to \$300 million in limits and an \$8 million self-insured retention at a cost not to exceed \$4.5 million for the 12-month period effective August 1, 2018 to August 1, 2019.

#### **ISSUE**

The excess liability insurance policies expire August 1, 2018. Insurance underwriters will not commit to final pricing until roughly six weeks before our current program expires on August 1. Consequently, we are requesting a not-to-exceed amount for this renewal pending final pricing and carrier selection. Metro is required by some shared use agreements with the freight railroads to carry excess liability insurance. Without this insurance, Metro would be subject to unlimited liability for bodily injury and property damage claims resulting from, primarily, bus and rail operations.

#### **DISCUSSION**

Our insurance broker, USI Insurance Services ("USI"), is responsible for marketing the excess liability insurance program to qualified insurance carriers. Quotes are in the process of being received by our broker from carriers with A.M. Best ratings indicative of acceptable financial soundness and ability to pay claims.

To put the insurance marketplace in perspective, US property/casualty insurers saw underwriting losses more than double to \$5.1 billion for the first half of 2017 compared with the year before. Losses led by higher catastrophe and auto claims drove net income down by 29% in the first half; even before third quarter hurricane losses were included.

Casualty premiums remain relatively flat, except as to auto liability where losses have increased in number and severity. Liability insurance coverage for our bus system has been negatively affected because of the substantial increase in nationwide and California highway fatalities. Auto lines are up by 5 to 9%, even on risks with no losses. Insurers are looking more selectively at risks and more carefully underwriting programs. Two years of auto liability rate increases have not offset loss trends and adverse development. Auto liability loss costs are significantly outpacing inflation, rising 36%

from 2015 through 2017. Retail and reinsurance markets are also finding abnormal, negative developments in their liability loss portfolios. Damage from the 2017 California wildfires generated over 45,000 claims and \$12 billion in losses, many which will be subrogated to the utilities as a proximate cause of the fires. This affects casualty premium as many of the same reinsurers provide coverage to public entity risks such as Metro.

Staff and USI developed a 2018/2019 excess liability insurance renewal strategy with the following objectives. First, our insurance underwriter marketing presentations emphasized the low risk of light rail and bus rapid transit services added over the past years in order to mitigate insurer's concerns with increased operating exposures. Second, we desired to maintain a continuing diversified mix of international and domestic insurers to maintain competition and reduce our dependence on any single insurance carrier. Third, we desired to maintain total limits of \$300 million while maintaining a \$7.5 million self-insured retention but were open to increase our self-insured retention if needed to retain reasonable premium pricing.

USI is presenting the submission to competing insurers in order to create competition in the layers of our insurance program. Our broker contacted the markets in April, May and June. Insurance executives both nationally and internationally expressed continuing increased underwriting discipline in particular for transportation risks. As in prior years, insurers asked for detailed loss information on Metro risks. Insurers perform detailed actuarial valuations on our book of business to establish their premiums. We are awaiting final insurance quotes by carriers from our broker.

Metro continues to benefit from favorable acceptance of our risk in the marketplace. More differentiation of risk benefits Metro as we have a newer rail system, implemented Automatic Train Protection (ATP) technology earlier than many other transit agencies and have a robust claims management process. Last year, we obtained \$300 million in coverage with \$7.5 million retention for \$4.1 million. We are anticipating a nearly flat renewal if we increase our self-insured retention (SIR) to \$8 million as suggested by carriers.

Attachment A provides an overview of the current program, renewal options and estimated associated premiums, and the agency's loss history. The Recommended Program, Option A, includes total limits of \$300 million with \$8 million retention and provides terrorism coverage at all levels. Attachment B shows the tentative carriers selected and program structure.

## **DETERMINATION OF SAFETY IMPACT**

Approval of this recommendation will not impact the safety of Metro's patrons or employees.

## **FINANCIAL IMPACT**

The funding for eleven months of \$4.2 million for this action is included in the FY19 budget in cost center 0531, Risk Management - Non Departmental Costs, under projects 300022 - Rail Operations - Blue Line, 300033 - Rail Operations - Green Line, 300044 - Rail Operations - Red Line, 300055 - Gold Line, 300066 - Rail Operations - Expo Line, 301012 - Metro Orange Line, 306001 - Operations Transportation, 320011 - Union Station, and 405533 - Commuter Rail in account 50602 (Ins Prem For Gen Liability). The remaining month of premiums will be included in the FY20 budget, cost center

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### Impact to Budget

Approval of this action is included in the FY19 budget. The current fiscal year funding for this action will come from the Enterprise, General and Internal Service funds paralleling funding for the actual benefiting projects charged. No other sources of funds were considered because these are the activities that benefit from the insurance coverage. This activity will result in a negligible change to operating costs from the prior fiscal year.

### ALTERNATIVES CONSIDERED

Various deductibles and limits of coverage options were considered as outlined in Attachment A. Our estimated penetration of the excess layer and premium history is also shown in this attachment. Option A maintains \$300 million limits but increases the SIR to \$8 million. This option is recommended because insurance carriers are insisting on higher retentions to offset fast rising insurance premiums in the marketplace. Option B maintains \$300 million limits and the current SIR of \$7.5 million. Option B is not recommended.

### NEXT STEPS

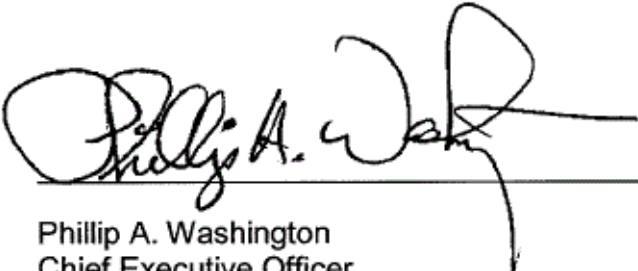
Upon Board approval of this action, we will advise USI to proceed with placement of the excess liability insurance program outlined herein effective August 1, 2018.

### ATTACHMENTS

Attachment A - Options, Premiums and Loss History  
Attachment B - Proposed Carriers and Program Structure

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Phillip A. Washington  
Chief Executive Officer



**ATTACHMENT A**

**Options, Premiums and Loss History**

**Current Insurance Premium and Proposed Options**

	CURRENT PROGRAM	OPTIONS (Estimated)	
		A	B
Self-Insured Retention	\$7.5 mil	\$8.0 mil	\$7.5 mil
Limit of Coverage	\$300 mil	\$300 mil	\$300 mil
Terrorism Coverage	Yes	Yes	Yes
Premium	\$4.1 mil	\$4.1 mil	\$4.3 mil

**Premium History for Excess Liability Policies  
Ending in the Following Policy Periods**

	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Self-Insured Retention	\$4.5 mil	\$4.5 mil	\$5.0 mil	\$5.0 mil	\$7.5 mil	\$7.5 mil	\$7.5 mil	\$7.5 mil	\$7.5 mil
Insurance Premium	\$3.8 mil	\$3.8 mil	\$3.9 mil	\$3.9 mil	\$3.6 mil	\$3.7 mil	\$3.6 mil	\$3.7 mil	\$4.1 mil
Claims in Excess of Retention	1	0	0	2	1	0	2 (est.)	0 (est.)	1 (est.)
Estimated Amount in Excess of Retention	\$1.0 mil	0	0	\$5.4 mil	\$1.3 mil	0	TBD	TBD	TBD

**ATTACHMENT B**

**PROPOSED CARRIERS AND PROGRAM STRUCTURE**



**USI Insurance Services  
Proposed Liability Insurance Summary 2018 - 2019  
Los Angeles County Metropolitan Transportation Authority**

Excess Limit		Layer(s)	Carrier	Participation	Premium *
<b>\$300M</b>	Excess Liability	<b>\$50M xs \$250M</b>	Apollo	\$25,000,000	\$81,270
			Novae	\$12,500,000	\$40,635
			StarStone	\$12,500,000	\$39,375
<b>\$250M</b>	Excess Liability	<b>\$50M xs \$200M</b>	Argo	\$35,000,000	\$147,000
			Swiss Re	\$15,000,000	\$65,016
<b>\$200M</b>	Excess Liability	<b>\$100M xs \$100M</b>	Aspen	\$40,000,000	\$238,392
			IronStarr	\$25,000,000	\$144,375
			Endurance (Sompo)	\$12,500,000	\$72,188
			Canopus (Hamilton Re)	\$12,500,000	\$72,188
			Argo	\$10,000,000	\$57,750
<b>\$100M</b>	Excess Liability	<b>\$50M xs \$50M</b>	Great American	\$15,000,000	\$150,000
			Allied World (AWAC)	\$15,000,000	\$150,000
			XL Insurance America	\$15,000,000	\$150,000
			PENDING *	\$5,000,000	\$51,600
<b>\$50M</b>	Excess Liability	<b>\$10M xs \$40M</b>	XL Insurance America	\$10,000,000	\$157,500
<b>\$40M</b>	Excess Liability	<b>\$10M xs \$30M</b>	Great American	\$10,000,000	\$195,000
<b>\$30M</b>	Excess Liability	<b>\$10M xs \$20M</b>	Endurance American	\$10,000,000	\$247,680
<b>\$20M</b>	Excess Liability	<b>\$10M xs \$10M</b>	London (PEELS)	\$10,000,000	\$619,200
<b>\$10M</b>	Primary Liability	<b>\$10M Primary</b>	Peleus(Alteris)	\$10,000,000	\$1,439,640
<b>Total Limits</b>		<b>\$300,000,000</b>			

**Estimated Program Premiums \* \$4,118,808**

Contingency for carrier, premium, tax and fee adjustments \$381,192

**Estimated Program Not-To-Exceed Total \$4,500,000**

" Subject to finalization of on-going negotiations with carriers

**Terrorism pricing is included above.**