

Date: October 23, 2024
W.I.: 1621
Referred by: Commission

ABSTRACT

Resolution No. 4671

This resolution authorizes the delegation of the Regional Mapping and Wayfinding Project Design Plans Approval to specified staff.

Further discussion of this subject is contained in the MTC Commission Memorandum dated October 23, 2024.

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Re: Delegation of Regional Mapping and Wayfinding Project Design Plans Approval to specified staff

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4671

WHEREAS, California Government Code Section 830.6 provides limitations on liability for public entities for conditions of public property where the public entity exercises appropriate discretion in the planning and design of public improvements. This limitation of liability is commonly known as “design immunity”; and

WHEREAS, California Government Code Section 830.6 requires public entities to establish the following three elements to invoke design immunity protections: (1) discretionary approval of a design before construction; (2) substantial evidence supporting the reasonableness of the design; and (3) a causal relationship between the design and the harm claimed; and

WHEREAS, the first element may be satisfied where the legislative body of a public entity, or the legislative body’s delegee, exercises discretionary authority to approve the plan or design of the improvement in advance of construction of the improvement; and

WHEREAS, the Metropolitan Transportation Commission (MTC) anticipates constructing a public improvement through its work on the Regional Mapping and Wayfinding Project; and

WHEREAS, subject to the terms below, the legislative body of MTC desires to delegate to an MTC employee the discretionary authority to approve the planning and design of a public improvement; and

WHEREAS, this resolution does not impact, affect, or change the legislative body’s discretion or authority to appropriate or approve project funding or to independently review and approve planning or design for the public improvement; and

WHEREAS, this resolution does not circumvent other established project planning and design processes; and

WHEREAS, this resolution is narrowly tailored to the specific project, employee, and terms set forth below and for the purpose of supporting the MTC's design immunity protections as provided by State law; now, therefore be it

RESOLVED, that the legislative body of MTC hereby delegates to the Director, Regional Network Management and Assistant Director, Navigation and Accessibility (or successor sections and/or positions with the same or similar scope and responsibilities), jointly and severally, the authority to exercise discretionary authority on behalf of MTC to approve the designs, design amendments, and design addenda for the Regional Mapping and Wayfinding Project; and, be it further

RESOLVED, that the legislative body of MTC delegates authority to the Director, Regional Network Management and Assistant Director, Navigation and Accessibility (or successor sections and/or positions with the same or similar scope and responsibilities) provided that any designs, design amendments, and design addenda approved by the Director, Regional Network Management and/or Assistant Director, Navigation and Accessibility (or successor sections and/or positions with the same or similar scope and responsibilities) are prepared by or previously reviewed by an appropriate licensed design professional; and, be it further

RESOLVED, that the approval of any designs, design amendments, design addenda by the Director, Regional Network Management and/or Assistant Director, Navigation and Accessibility (or successor sections and/or positions with the same or similar scope and responsibilities) is limited to the acceptance or approval of the designs based upon an appropriate licensed design professional's representation that such designs are in general conformance with applicable statutes, codes, standards, and guidelines for the purposes of California Government Code Section 830.6 and otherwise, the responsibility and liability for the completeness, accuracy, and conformance of such will continue to reside with the Engineer of Record, Engineering Firm of Record, or public agency that prepared the design; and, be it further

RESOLVED, that the Director, Regional Network Management and/or Assistant Director, Navigation and Accessibility (or successor sections and/or positions with the same or similar

scope and responsibilities) shall document this resolution and any approvals exercised by the Director, Regional Network Management and/or Assistant Director, Navigation and Accessibility (or successor sections and/or positions with the same or similar scope and responsibilities) in the project file for the Regional Mapping and Wayfinding Project.

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California and at other remote locations, on October 23, 2024.